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The Acts passed by the Lieutenant Governor of Bengal in Council in the year 1862–1864

A. ~~Govt. of NB~~ Govt. of Bengal

S. Law and Legislation Lieutenant governor of Bengal / Acts / Bengal / 1864

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THE ACTS

PASSED BY THE

LUTENANT-GOVERNOR OF BENGAL IN COUNCIL

IN THE

YEARS 1862-64.

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TITLES

OF

ACTS PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

In the years 1862, 1863, and 1864.

ACTS OF 1862.

ACT No. I. An Act to enforce the hoisting of signals of the names of vessels passing Signal Stations established on the River Hooghly and the branches thereof.

" II. An Act to amend Act XLII of 1860 (for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter).

" III. An Act to amend Act XI of 1859 (to improve the law relating to sales of land for arrears of Revenue in the Lower Provinces under the Bengal Presidency).

" IV. An Act for the better enforcement of discipline in the Great Jail at Calcutta.

" V. An Act to provide for the periodical survey of Steam Vessels in the Port of Calcutta.

" VI. An Act to amend Act X of 1859 (to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal).

Act No. VII. An Act to repeal Section XXX of Regulation II 1819 (for modifying the provisions contained in the existing Regulations regarding the resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and for defining the right of Government to the Revenue of lands not included within the limits of estates for which a settlement has been made).

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„ V. An Act to amend the law relating to the employme and remuneration of Peons for the servi and execution of the Process of the Civil a Revenue Courts.

Act No. VI. An Act to vest the property of the Town of Calcutta, and the management of its Municipal affairs, in a Corporation, and to make better provision for the conservancy and improvement of the Town, and for the levying of rates and taxes therein.

ACTS OF 1864.

Act No. I. An Act for regulating Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta.

„ II. An Act for the regulation of Jails and the enforcement of discipline therein.

„ III. An Act to provide for the appointment of Municipal Commissioners in Towns and other places in the provinces under the control of the Lieutenant-Governor of Bengal, and to make better provision for the conservancy, improvement, and watching thereof, and for the levying of Rates and Taxes therein.

„ IV. An Act to amend Act XXI of 1836.

„ V. An Act to amend and consolidate the law relating to the collection of Tolls on Canals and other lines of navigation, and for the construction and improvement of lines of navigation, within the Provinces under the control of the Lieutenant-Governor of Bengal.

„ VI. An Act to provide for the periodical inspection of Steam-boilers and Prime-movers attached thereto in the Town and Suburbs of Calcutta.

„ VII. An Act to amend and consolidate the laws relating to the manufacture, possession, transport, and sale of Salt in the Provinces under the control of the Lieutenant-Governor of Bengal.

ACT No. I of 1862.

Passed by the Lieutenant-Governor of Bengal in Council.

(*Received the assent of the Governor-General on the* 14*th April* 1862.)

An Act to enforce the hoisting of Signals of the names of vessels passing Signal Stations established on the River Hooghly and the branches thereof.

Preamble.

Whereas it is expedient that the names of inward and outward bound Vessels to and from the port of Calcutta should be made known at the several Signal Stations established within the limits of the River Hooghly or within the limits of any Channel which may be made subject to the provisions of Act XXII of 1855 *(for the regulation of Ports and Port-dues)*; It is enacted as follows :—

Master on arriving within Signal distance of Signal Station shall hoist the number of his Vessel.

I. The Master of every inward or outward bound Vessel, on arriving within Signal distance of any Signal Station established within the limits of the River Hooghly or within the limits of any Channel which may be made subject to the provisions of Act XXII of 1855, shall, on the requisition of the Pilot who may be in charge of the Vessel, signify the name of the Vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it be answered from the Signal Station.

Penalty for not hoisting Signal.

II. Any Master of a Vessel arriving as aforesaid, who shall refuse or neglect to conform to the above rule, shall be liable on conviction, for each instance of refusal or neglect, to a fine not exceeding one thousand Rupees.

[*Price* 6 *pies.*]

III. Every Pilot in charge of a Vessel shall require the number of the Vessel of which he is in charge to be duly signalled as provided under Section I of this Act. When, on a requisition from the Pilot to that effect, the Master of a Vessel not employed in the service of Government shall refuse to hoist the number of a Vessel, or to adopt such other means of making her name known as may be practicable and usual, the Pilot in charge of such Vessel may, on arrival at the first place of safe anchorage, anchor the Vessel in question and refuse to proceed on his course until the requisition shall have been complied with.

Pilot shall require the Master to hoist Signal.

And if Master refuses to do so, Pilot may bring the vessel to anchor.

IV. Any Pilot in charge of a Vessel, who may be proved guilty of neglect to obey, or of connivance with, the Master of such Vessel in disobeying the provisions of this Act, shall be liable to a penalty not exceeding five hundred Rupees for each instance of neglect or connivance, and in addition shall be liable to dismissal from his appointment.

Punishment of Pilot disobeying or conniving at disobedience to the provisions of this Act.

V. This Act shall be taken and read as part of Act XXII of 1855, and the penalties provided by this Act shall be recoverable under Section LV of that Act.

This Act to be taken as part of Act XXII of 1855.

ACT No. II OF 1862.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Governor-General on the 14th April 1862.)

An Act to amend Act XLII of 1860 (for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter).

Preamble.

WHEREAS it is expedient to amend Act XLII of 1860 (so far as the same relates to the Provinces subject to the Government of Bengal), in order to enable suitors to sue persons not actually residing, but carrying on business through their servants or agents, within the local limits of the jurisdiction of the Courts established under the said Act; It is enacted as follows :—

Persons carrying on business, &c., by agents, to be liable to the jurisdiction of Small Cause Courts.

I. As regards suits instituted after the passing of this Act all persons shall be deemed to be within the jurisdiction of any Court established under Act XLII of 1860, who, at the time of the commencement of the suit in such Court, carry on by their Managers, Agents, or Servants, any business or work for gain within the local limits of the jurisdiction thereof.

Service of summons on Agent, &c., to be deemed good service.

II. Service of any summons issued under this Act, on any Manager, Agent, or Servant, by whom the defendant may so carry on business or work for gain, shall be deemed to be good service

Fees to be paid at the rates mentioned in the Schedule.

III. The Collector on the part of the Government shall be entitled to demand from applicants under Sections 10 and 11, Sections 15 and 16, Sections 40, 43, and 44 of Act XI of 1859, fees not exceeding the rates specified in the Schedule to this Act annexed, which Schedule shall be taken as part of this Act; and applications under the said Sections shall not be received unless the said fees are tendered therewith.

This Act to be read as part of Act XI of 1859.

IV. This Act shall be taken and read as part of the said Act XI of 1859.

SCHEDULE OF FEES.

1. For filing an application under Section 10 or Section 11 of Act XI of 1859, for opening a separate account for a share of an entire estate—

If the annual jumma of the share do not exceed 1,000 Rupees, at the rate of ten per cent upon the jumma. If the annual jumma of the share exceed 1,000 Rupees, at the rate of ten per cent. upon 1,000 Rupees, and two per cent. upon all above that amount.

2. For filing an application for a deposit of money or Government securities under Section 15 of the said Act, half per cent. on the amount deposited.

For any interest on Government securities so deposited, drawn by the Collector, half per cent. on the amount drawn.

For filing an application for withdrawal of a deposit under Section 16 of the said Act, half per cent. on the amount withdrawn.

3. For filing an application, under Section 40, 43, or 44, of the said Act, for the registration of an under-tenure or farm—

If the annual rent of the under-tenure or farm do not exceed 1,000 Rupees, at the rate of five per cent. on the rent.

If the annual rent of the under-tenure or farm exceed 1,000 Rupees, at the above rate up to 1,000 Rupees, and at one per cent. on all above that amount.

ACT No. IV OF 1862.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Governor-General on the 1st May 1862.)

An Act for the better enforcement of discipline in the Great Jail at Calcutta.

Preamble.

WHEREAS it is expedient to provide for the better enforcement of discipline and order amongst the criminal prisoners confined in the Great Jail of Calcutta, as well as for the more effectual superintendence over, and control of, such prisoners; It is enacted as follows:—

Authority over House of Correction vested in Commissioner of Police, or such other Officer as Government may appoint.

I. The authority hitherto exercised by the Sheriff of Calcutta over that part of the Great Jail which is termed the House of Correction, shall henceforth cease and determine; and the whole authority over the House of Correction and the prisoners confined therein, is hereby vested in the Commissioner of Police for Calcutta, or in such other Officer as the Government may from time to time appoint.

Officer in whom control of House of Correction is vested empowered to take cognizance of breaches of discipline and to punish prisoners for certain offences.

II. The Officer in whom the control of the House of Correction shall be vested, is hereby empowered to take cognizance of all breaches of prison discipline, and to punish prisoners guilty of mutinous or violent conduct or of insolent language, or of contumacious refusal or wilful neglect to perform the work, or wilful mismanagement of

the work allotted to them, by placing them in solitary confinement, which shall not extend beyond three days, or in separate confinement for not more than seven days, or by confining them in irons for periods not exceeding four days. Provided that no person shall be detained in prison under the provisions of this Act beyond the term of his original sentence. A Register of all persons punished in the House of Correction under this Act shall be regularly kept by the Officer in whom the control of the House of Correction shall be vested, and shall be forwarded to Government once a month.

Proviso.

Register of persons punished shall be kept.

III. The powers entrusted by the preceding Section of this Act to the Officer, in whom the control of the House of Correction shall be vested, are hereby extended to the Sheriff of Calcutta for the time being as regards criminal prisoners in that part of the Great Jail which will remain under the control of the Sheriff. In the case of mutinous or violent conduct, or where it may be necessary, in order to prevent an outbreak, the Jailor shall exercise, within that part of the Great Jail which will remain under the control of the Sheriff, the powers laid down in the preceding Section of this Act. Provided that the Jailor shall, within twenty-four hours of the exercise thereof, report every instance in which he shall exercise such powers, to the Sheriff, and the Sheriff shall have power to annul or alter the order as he may think fit. The Sheriff shall be bound to keep up a Register similar to that mentioned in the preceding Section of this Act.

Powers specified in Section 2 vested in the Sheriff, or the Jailor, as regards criminal prisoners in the Great Jail

IV. It shall be lawful for the Jailor, or for the Keeper of the House of Correction, to cause any prisoner sentenced to transportation or penal servitude to be put in irons when it may be necessary to do so, for the safe removal of such prisoner from the Jail to the place of embarkation.

Certain prisoners may be ironed during removal to place of embarkation.

V. The Government is hereby authorized from time to time to frame Rules for the proper discipline of prisoners in the House of Correction, and of criminal prisoners within that part of the

Government may frame Rules for proper discipline, &c., of prisoners.

Great Jail which will remain under the control of the Sheriff, with regard to their food, dress, hours of recreation and work, labor, classification, instruction, and all points in any way concerning the regularity and order of the said House of Correction and of such criminal prisoners as aforesaid.

Rules to apply to all persons confined in the House of Correction or Great Jail, under criminal sentence, and also to persons awaiting trial.

VI. These Rules shall be applicable to all persons confined in any part of the said Great Jail or House of Correction under any judicial criminal sentence, whether such persons be confined there for the whole or for a part of their term of imprisonment, or be merely placed temporarily there pending their removal elsewhere, and also to persons awaiting their trial.

Saving of power of Sheriff to remove prisoners sentenced to death to the Great Jail, &c.

VII. Should any person under sentence of death be at any time confined in the House of Correction, the power of the Sheriff to remove the prisoner to that part of the Great Jail which will remain under the custody of the Sheriff or to such other place as may from time to time be fixed on as the place of execution, and to execute that sentence of death shall not in any wise be affected by this Act.

Visiting Magistrates to be appointed:

VIII. The Magistrates of Police for the Town of Calcutta for the time being appointed under Act XIII of 1856 shall, on the 1st day of June next after the passing of this Act, and on the 1st day of June in every subsequent year, meet at the Calcutta Police Court for the purpose of nominating, and shall then and there nominate, two or more of their number, who shall consent thereto, to be visitors of the said Great Jail and House of Correction.

and to visit the Great Jail and House of Correction three times in each quarter.

One or more of such Visiting Magistrates so nominated shall personally visit and inspect the said Great Jail and House of Correction at least three times in each quarter of a year, and oftener if occasion shall require, and shall examine into the state of buildings so as to form a judgment as to any alterations or additions which may appear necessary, and into the behaviour and conduct of the Officers of the said Great Jail and House of Correction, and the

treatment, behaviour, and condition of the criminal prisoners confined therein.

Visiting Magistrates to make quarterly reports to Government.

IX. The Visiting Magistrates for the time being shall once in every quarter of a year make a report in writing to the Government, through the Sheriff and the Officer in whom the control of the House of Correction shall be vested respectively, of the state of the said Great Jail and House of Correction, of what additions or alterations are required, or shall have been made therein, of any abuses which have come to their knowledge in the management of the criminal prisoners, and of the general state of such prisoners as to discipline, employment, instruction, hard labor, and observance of rules.

Visiting Magistrates to investigate and punish certain offences.

X. In case any criminal prisoner within the said Great Jail or House of Correction shall be guilty of any repeated offence under Section 2 of this Act, or against the Rules to be passed under this Act, or of any greater offence than is punishable under the said Section 2 of this Act, the Sheriff or Officer for the time being, having the control of the House of Correction, as the case may be, may notify the same to the Visiting Magistrates for the time being. Such Visiting Magistrates shall thereupon have power and are required to attend at the Great Jail or House of Correction, as the case may be, and enquire upon oath and determine concerning the matter so reported, and to order the offender to be punished by separate confinement for any term not exceeding one calendar month of which six days may be ordered to be solitary confinement in periods of not more than three days each.

Punishment for taking, or attempting to take, prohibited articles into the Great Jail.

XI. Whoever without due permission takes or attempts to take, or throws or attempts to throw, into any part of the said Great Jail any food or other article prohibited by the Rules to be passed under this Act, shall be liable to be apprehended and brought before any Police Magistrate for the Town of Calcutta, and on conviction shall be liable to a fine not exceeding fifty Rupees, or to imprisonment with or without hard labor for any term not exceeding two months.

ACT No. V OF 1862.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Governor-General on the 1st May 1862.)

An Act to provide for the Periodical Survey of Steam Vessels in the Port of Calcutta.

Preamble

WHEREAS it is desirable to provide for the survey, by competent Surveyors, of Steam Vessels in the Port of Calcutta, with a view to the due security of the lives of passengers and property shipped on board such Steam Vessels; It is enacted as follows:—

Certain Steam Vessels liable to be surveyed twice a year.

I. Every Steam Vessel plying on the River Hooghly or on any of the rivers or waters of Bengal, and every British Steam Vessel plying between Calcutta and any Indian Port or Ports, shall be liable to be surveyed twice in every year, in the manner hereinafter prescribed.

Government to appoint one or more Surveyors.

II. It shall be lawful for the Lieutenant-Governor of Bengal to appoint a fit and proper person, or fit and proper persons, to be a Surveyor or Surveyors for the purposes of this Act.

Authority to Surveyors to go on board Steamers for the purpose of surveying.

III. It shall be lawful for the said Surveyors, in the execution of their duties, to go on board any Steam Vessel liable to be surveyed under this Act, as soon as reasonably may be after the arrival of such Steam Vessel in the Port of Calcutta, and not so as unnecessarily to hinder the loading or unloading of such Steam Vessel, or to detain or delay her from proceeding on any voyage

or service, and to inspect such Steam Vessel or any part thereof, and any of the machinery, equipments, or articles on board thereof: and the Owner, Master, and Officers serving on board of such Vessel, shall be bound to afford to the Surveyors all reasonable facility for such inspection or survey, and to afford them all such information respecting such Vessel and her machinery and equipments, or any part thereof respectively, as may be reasonably required by the Surveyors; and any person who shall refuse access to the Surveyors, or shall otherwise hinder them in the performance of their duty, or shall refuse or neglect to give any information which may reasonably be required of them, and which they have it in their power to give, shall be liable for each offence to a penalty of five hundred rupees, or to one month's imprisonment.

Penalty for hindering them in making the survey, or withholding required information.

IV. When any survey is made under this Act, the Surveyors making such survey shall forthwith, if satisfied that they can with propriety do so, and on payment, by the Owner or Master, of the fees hereinafter mentioned, give to the Owner or Master of the Steam Vessel surveyed a Certificate and Declaration signed by them, and framed as nearly as the circumstances of each case will admit, in the form set forth in Schedule A hereto annexed.

Surveyors to grant Certificate and Declaration when they can with propriety do so.

V. No Office of Customs shall grant a clearance, nor shall any Pilot be assigned to any Steam Vessel liable to be surveyed under this Act, which shall not have been duly furnished with a Certificate and Declaration under the provisions of this Act applicable to the voyage on which she is about to proceed or the service on which she is about to be employed; and if any Steam Vessel, liable to be surveyed under this Act, shall leave or attempt to leave the Port of Calcutta without such Certificate and Declaration applicable to the voyage on which she is about to proceed or the service on which she is about to be employed, the Owner or Master of such Steam Vessel shall be liable to a fine not exceeding one thousand rupees for each offence; and if there be any Officer of Customs or any Pilot on board of

No clearance to be given to a Steamer for a voyage for which she has not got a Certificate from the Surveyors.

such Steam Vessel, he may detain her until she is duly furnished with such Certificate and Declaration.

Master or Officer who is a licensed Pilot attempting to take his ship out of Calcutta, without a proper Certificate, liable to lose his license.

VI. If the Commander or any other Officer of a Tug Steamer, or of any other Steam Vessel, liable to be surveyed under this Act, is a licensed Pilot, and shall leave or attempt to leave the Port of Calcutta in such Tug Steamer or Steam Vessel without such Tug Steamer or Steam Vessel being duly furnished with a Certificate and Declaration under the provisions of this Act, applicable to the voyage on which she is about to proceed or the service on which she is about to be employed, such Commander or other Officer shall be liable to have his license as a Pilot taken away from him entirely, or suspended for any period by the Lieutenant-Governor of Bengal, as the Lieutenant-Governor may see fit to order.

Special survey may be ordered by Government on any British Steamer in the Port of Calcutta.

VII. It shall be lawful for the Lieutenant-Governor of Bengal to give special directions to the Surveyors under this Act for the survey by them of any British Steamer lying in the Port of Calcutta, and plying between Calcutta and any Port or Ports whatever, and the provisions of this Act shall apply (so far as the same are in any way applicable) to every Vessel so specially directed to be surveyed, and the Owner, Master, and Officers thereof.

Government may make Rules as to mode and time of conducting survey.

VIII. The Lieutenant-Governor of Bengal is hereby empowered to frame Rules as to the manner in which the surveys shall be made and the times and places of such surveys, and the duties of the Surveyors. Provided that such Rules shall not be inconsistent with the provisions of this Act.

Penalty for Surveyor who receives fees, &c., for making a survey.

IX. Any Surveyor demanding or receiving directly or indirectly from the Owner, Master, or Officer of any Ship surveyed by him under the provisions of this Act, any fee or remuneration otherwise than as provided by this Act, shall be liable to dismissal, in addition to any other penalty to which he may by law be liable.

Fees to be paid for every survey made

X. For every survey made under this Act the Owner or Master of the Steam Vessel surveyed shall pay to the Surveyors making the same a fee calculated on the Tonnage of the Vessel according to the rates in Schedule B hereto annexed.

Certificates to be always hung up in conspicuous part of Vessel

XI. Each Certificate and Declaration granted by Surveyors under this Act shall be hung up, and remain at all times suspended, in some conspicuous part of the Vessel for which the same is granted, where the same may be easily read; and in default of compliance with this provision, every Owner or Master shall be liable to a penalty not exceeding one hundred rupees for each offence, such fine to be leviable by distraint or sale of personal property.

Certificate to be in force only six months, and to be delivered up when expired or revoked

Proviso in case of Vessels absent from Port when Certificate expires.

XII. No Certificate or Declaration shall be held to be in force for the purposes of this Act after the expiration of six calendar months from the date thereof Provided that, if any Steam Vessel is absent from the Port of Calcutta when her Certificate and Declaration expire, no penalty shall be incurred for the want of a Certificate and Declaration, until she first begins to ply or is about to ply after her next subsequent return to the Port of Calcutta. And the Lieutenant-Governor of Bengal, or any Officer appointed by him for that purpose, may require any Certificate and Declaration, which has expired or has been revoked or cancelled, to be delivered up as may be directed; and any Owner or Master or other person who, without reasonable cause, neglects or refuses to comply with such requirement, shall incur a penalty not exceeding one hundred rupees for each offence.

Certificate and Declaration may be cancelled by Government.

XIII. The Lieutenant-Governor of Bengal, or any Officer appointed or authorized by him for that purpose, may revoke and cancel any Certificate and Declaration granted under this Act in any case in which he has reason to believe—

(1.) That the Certificate and Declaration of the sufficiency and good condition of the hull, equipments, and machinery of any

Steam Vessel, or either of them, have been fraudulently or erroneously given or made: or

(2.) That such Certificate and Declaration have otherwise been issued upon false or erroneous information: or

(3.) That since the giving and making of such Certificate and Declaration, the hull, equipments, or machinery of such Ship, have sustained any injury, or are otherwise insufficient.

And in every such case the Lieutenant-Governor of Bengal, or such Officer as last aforesaid, may, if he thinks fit, require the Owner or Master to have such Steam Vessel again surveyed as herein provided.

If the correctness of a survey is doubted, Government may order a second survey by other Surveyors.

XIV. If any Steam Vessel shall be surveyed under the provisions of this Act, and if the Surveyors shall decline to give any Certificate or Declaration, or shall give a Certificate or Declaration, with which the Owner or Master of the Steam Vessel shall be dissatisfied, the Lieutenant-Governor of Bengal may, on the application of such Owner or Master, appoint two other competent Surveyors to survey the said Steam Vessel. The Surveyors so appointed shall forthwith survey the said Steam Vessel and shall either decline to give any Certificate and Declaration, or shall give such Certificate and Declaration as under the circumstances may seem to them proper. Every survey made under this Section shall be made subject to all the provisions and rules both as to the payment of fees and otherwise, which are applicable to surveys made in ordinary cases under this Act. If the Surveyors appointed under this Section unanimously refuse to give any Certificate and Declaration, or agree as to the terms of their Certificate and Declaration, such refusal or such Certificate and Declaration shall be final and conclusive; but if they do not agree, the refusal originally made, or the Certificate and Declaration originally granted by the Surveyors who surveyed the said Steam Vessel in the first instance, shall remain and be of full force and effect.

Offence under this Act by whom to be tried.

XV. Any case arising out of this Act may be tried by any Officer having the full powers of a Magistrate, within whose jurisdiction the offence

may have been committed, or by any Police Magistrate of the Town of Calcutta. The provisions of Section LV of Act XXII of 1855 (*for the regulation of Ports and Port-dues*) are hereby extended to all penalties imposed under this Act; and all fees due under Section X of this Act shall be recoverable in like manner as penalties are recoverable.

Surveyor acting alone included in term "Surveyors."

XVI. The word "Surveyors" as used in this Act shall be taken to include any Surveyor acting alone when authorized so to do by the Lieutenant-Governor of Bengal under the provisions of this Act

SCHEDULE A.

Form of Surveyors' Certificate and Declaration.

Name of Steam Vessel.	Tonnage.	When and where built, and Material.	Power.	Description of Engines and Age.	Description of Boilers and Age.	Ground Tackle.	Condition of Hull.	General Equipment.	Name of Master and Number of Officers and deck crew and of Engineers and engine-room crew.	When and where last coppered, repaired, or cleaned.	Limits (if any) beyond which the Vessel is not fit to ply.	Time, if less than six months, for which the Hull, Boilers, Engines, or any of the Equipments will be sufficient.	REMARKS

We, the undersigned, declare that we have examined the above-named Steamer, and, to the best of our judgment, she and her engines, as shown in the above statement, are fully sufficient for the service on which it is intended to employ the said Steamer; that is to say, for *(as the case may be)*.

A B
C. D.

SCHEDULE B.

Rates of Fees to be charged—(referred to in Section X).

	Rs	A	P
For Steamers of less than 200 Tons ..	20	0	0
" " 200 Tons and up to 350 .	25	0	0
" " 350 " " " 700	30	0	0
" " 700 " " " 1,000 .	40	0	0
" " 1,000 " " " 1,500 .	50	0	0
" " 1,500 " and upwards	60	0	0

Bengal Secretariat Press—H. J. C.—300—30-11-74

ACT No. VI OF 1862.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Governor-General on the 1st May 1862.)

An Act to amend Act X of 1859 (to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal.)

Preamble.

WHEREAS it is expedient to amend Act X of 1859, so far as the same relates to the Provinces subject to the Government of Bengal; It is enacted as follows:—

Repeals sections 26, 40, 71, 79, 86, 150, and 162, of Act X of 1859.

I. Sections XXVI, XL, LXXIV, LXXIX, LXXXVI, CL, and CLXII of Act X of 1859 are hereby repealed, except as regards suits under the said Act X of 1859 instituted prior to the passing of this Act.

The Court may in certain cases award to the plaintiff additional damages not exceeding 25 per cent.

II. In any suit hereafter to be brought for rent under Act X of 1859, if it shall appear to the Court that the defendant has without reasonable or probable cause neglected or refused to pay the amount due by him, and that he has not before the institution of the suit tendered such amount to the plaintiff or his duly authorized agent, or, in case of refusal of the plaintiff or such agent to receive the amount tendered, has not deposited such amount with the Collector before the institution of the suit in manner hereinafter mentioned, it shall be lawful for the Court to award to the plaintiff, in addition to the amount decreed for rent and costs, such damages, not exceeding twenty-five per cent. on the amount of rent decreed, as the Court may think fit. These damages, if awarded, as well as the amount of rent and costs decreed in the suit, shall carry interest at the rate of twelve per cent. per annum from the date of decree until

payment thereof, and shall be recoverable from the defendant in like manner as sums decreed to be paid by defendants under Act X of 1859 are recoverable.

The Court may award compensation not exceeding 25 per cent. on the amount sued for, to a defendant improperly sued.

III. In any suit hereafter to be brought for rent under Act X of 1859, if it shall appear to the Court that the plaintiff has instituted the suit against the defendant without reasonable or probable cause, or that the defendant before the institution of the suit duly deposited with the Collector in the manner hereinafter mentioned the full amount which the Court shall find to have been due to the plaintiff at the date of such deposit, it shall be lawful for the Court to award to the defendant by way of compensation such sum, not exceeding twenty-five per cent. on the whole amount claimed by the plaintiff, as the Court may think fit, and such sum, with interest at the rate of twelve per cent. per annum until payment thereof, shall be recoverable from the plaintiff in like manner as sums decreed to be paid by defendants under Act X of 1859 are recoverable.

Under-tenant or ryot may, after tender, &c., pay into Court, without any action being brought against him, what he admits to be due to his Zemindar, &c.

IV. If any under-tenant or ryot shall, at the mal kutcherry for the receipt of rents or other place where the rents of the land held or cultivated by him are usually payable, tender payment of what he shall consider to be the full amount of rent due from him at the date of the tender to the Zemindar or other person in receipt of the rent of such land, and if the amount so tendered shall not be accepted, and a receipt in full forthwith granted, it shall be lawful for the under-tenant or ryot, without any suit having been instituted against him, to deposit such amount in the Collector's Court, to the credit of the Zemindar or other person aforesaid: and such deposit shall, so far as the under-tenant or ryot and all persons claiming through or under him are concerned, in all respects operate as and have the full effect of a payment then

Payment into Court to have effect of payment to Zemindar or other person entitled.

made by the under-tenant or ryot, of the amount deposited, to such Zemindar or other person.

Proceedings on making a payment into Court and the drawing out the money.

V. The Collector shall receive such deposit on the application of the under-tenant or ryot, or his agent, made in writing upon paper bearing a stamp of such value as would be necessary on the institution of a suit for arrears of rent under Section XXXVII of Act X of 1859 for an amount equal to that which it is intended to deposit, and on the under-tenant or ryot, or his agent, making a declaration in the form or as nearly as circumstances will admit in the form set forth in the Schedule (A) hereto annexed, and the Collector shall give a receipt for the same. If the declaration shall contain any averment which the person making the declaration shall know or believe to be false or shall not know or believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence. Upon receiving the money so deposited, the Collector shall issue a notice to the person to whose credit it has been deposited, in the form set forth in the Schedule (B) hereto annexed, and such notice shall be served by the Collector, without the payment of any fee, either upon the person to whom it is addressed or upon his naib, gomastah, or other agent, and in the absence of any such agent, it shall be served by sticking up a copy of the same in the Office of the Collector, and another copy at the mal kutcherry for the receipt of rents or other place where the rents are usually paid for the land in respect of which the money has been deposited. If the person to whom such notice is issued, or his duly authorized agent, shall appear and apply that the money in deposit be paid to him, it shall be immediately made over to him.

Suit for further balance to be instituted within six months of service of notice of deposit.

VI. Whenever a deposit shall have been made under the provisions of this Act, no suit shall be brought against the person making the deposit or his representatives on account of any rent which accrued due prior to the

date of the deposit, unless such suit is instituted within six months from the date of the service of the notice in the fifth section of this Act mentioned.

After action brought defendant may pay into Court, without costs, money tendered before action brought

VII. The defendant in any suit under this Act or under Act X of 1859 instituted after the passing of this Act may, if he have duly tendered the same to the plaintiff before the institution of the suit, pay into Court such sum of money as he shall consider to be due to the plaintiff without paying in any costs incurred by the plaintiff up to the time of such payment, and such sum shall be immediately paid out of Court to the plaintiff. If after such payment the plaintiff elects to proceed in the suit and ultimately recovers no further sum than shall have been paid into Court the plaintiff shall be charged with the whole costs of the suit incurred by the defendant; but if the plaintiff ultimately recovers a futher sum than shall have been paid into Court, the defendant shall be charged with the whole costs of the suit.

Costs if plaintiff goes on and recovers no more.

If no previous tender has been made, defendant may pay into Court what he admits, to be due with costs on that sum.

VIII. The defendant in any suit under this Act or under Act X of 1859 instituted after the passing of this Act may, without having made any tender before action brought, pay into Court such sum of money as he shall consider to be due to the plaintiff, together with the costs (to be fixed by the Court if necessary as of a suit originally instituted for the amount so paid into Court) incurred by the plaintiff up to the time of such payment, and such sum shall immediately be paid out of Court to the plaintiff. If after such payment the plaintiff elects to proceed in the suit and ultimately recovers no further sum than shall have been paid into Court, he shall be charged with all costs incurred by the defendant subsequently to such payment; but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall (including the sum paid into Court by him in the first instance on account of costs) be charged

Costs if plaintiff goes on with the suit.

with costs as upon a suit originally instituted for the whole amount for which the plaintiff ultimately obtains a decree.

Survey and measurement of lands.

IX. Every proprietor of an estate or tenure, or other person in receipt of the rents of an estate or tenure, has a right of making a general survey and measurement of the lands comprised in such estate or tenure, or any part thereof, unless restrained from doing so by express engagement with the occupants of the lands. If any person intending to measure any land which he has a right to measure, is opposed in making such measurement by the occupant of the land; or if any under-tenant or ryot, having received notice of the intended measurement of land held or cultivated by him which is liable to such measurement, refuses to attend and point out such land, such person may make application to the Collector, and the Collector shall thereupon proceed to enquire into the case in the manner provided for suits under Act X of 1859, and shall pass a decision either allowing or disallowing the measurement, and, if the case so require, enjoining or excusing the attendance of any such under-tenant or ryot. If any under-tenant or ryot, after the issue of an order enjoining his attendance, neglects to attend and to point out the land, it shall not be competent to him to contest the correctness of the measurement made or any of the proceedings held in his absence.

Measurement of lands, where it cannot be ascertained who are the persons liable to pay rent.

X. If the proprietor of an estate or tenure, or other person entitled to receive the rents of an estate or tenure, is unable to measure the lands comprised in such estate or tenure or any part thereof, by reason that he cannot ascertain who are the persons liable to pay rent in respect of the lands or any part of the lands comprised therein, such proprietor or other person may petition the Collector in respect of the lands which he cannot measure as aforesaid, and the Collector thereupon, and on the necessary costs being deposited with him by the applicant, shall proceed to measure the land and to ascertain and record the names of the persons in occupation of the same, or on the special

application of the proprietor or other person aforesaid, but not otherwise, shall proceed to ascertain, determine, and record the tenures and under-tenures, the rates of rent payable in respect of such lands, and the persons by whom respectively the rents are payable. The provisions of Section LXVII of Act X of 1859 shall apply to any proceeding of the Collector instituted under this Section. If after due enquiry the Collector shall be unable to measure the land, or to ascertain or record the names of the persons in occupation of the same, or if he shall (in any case in which such special application shall have been made as aforesaid) be unable to ascertain who are the persons having tenures or under-tenures in such lands or any part thereof, then and in any such case he may declare the same to have lapsed to the party on whose petition he has made the enquiry. If any person, within fifteen days after the Collector shall have recorded the name of such person as being in occupation of such land or any part thereof, or shall have declared a tenure to have lapsed, shall appear and show good and sufficient cause for his previous non-appearance, and shall satisfy the Collector that there has been a failure of justice, the Collector may, upon such terms or conditions as he may think proper, alter or rescind his declaration according to the justice of the case. Save as aforesaid, the decision of the Collector on all matters enquired into and determined by him under this or the last preceding Section, shall be final, unless the same shall be reversed on appeal therefrom to the Civil Court. Such appeals shall lie to the Zillah Judge or to the Sudder Court subject to the provisions and conditions contained in Sections CLX and CLXI of Act X of 1859.

Measurements to be made by the pergunnah pole.

XI. All measurements made under this Act shall be made by the standard pole of measurement of the pergunnah in which the land is situated.

Form of plaint in suits for arrears of rent.

XII. In any suit hereafter to be brought for the recovery of an arrear of rent, the statement shall specify the name of the village and estate and of the pergunnah or other local division in

which the land is situate, the yearly rent of the land, the amount (if any) received on account of the year for which the claim is made, the amount in arrear, and the time in respect of which it is alleged to be due. If the arrear is alleged to be due from any ryot, the statement shall further specify the quantity of land, and where fields have been numbered in a Government survey the number (if it be possible to give it) of each field.

Order under Section 58 of Act X of 1859 to set aside judgment shall be final, but rejection of application to set it aside shall be appealable.

XIII. In all cases in which the Collector shall pass an order under Section LVIII of Act X of 1859 for setting aside a judgment, the order shall be final; but in all appealable cases in which the Collector shall reject the application, an appeal shall lie from the order of rejection to the tribunal to which the final decision in the suit would be appealable: provided that the appeal be preferred within the time allowed for an appeal from such final decision, and be written upon Stamp Paper of the value prescribed for petitions to the Court to which the appeal lies where a Stamp is required for petitions.

Fees to agents and mooktears.

XIV. So much of Section LXXI of Act X of 1859 as directs that no fee for any agent shall be charged as part of the costs of suit in any case under the Act, is hereby repealed. In awarding costs to either party in any suit hereafter to be brought under the said Act or under this Act, it shall be competent for the Collector to award to such party, on account of the fees of any agent or mooktoar employed by him, such a sum, not exceeding the rate of fee chargeable uuder the provisions of Section VII of Act I of 1846 for pleaders in the Civil Courts, as the Collector may direct.

Language in which the Collector is to write his judgment.

XV. The Collector shall pronounce judgment in all cases tried under this Act or under Act X of 1859 in open Court. The judgment shall be written in the vernacular language of the Collector and shall contain the reasons for the same. and shall be dated and signed by the Collector at the time when it is pronounced.

Provided that if the vernacular language of the Collector be not English, and the Collector be sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, and prefer to write his judgment in it, the judgment may be written in English.

Attachment before judgment.

XVI. The provisions relating to attachment before judgment contained in Sections LXXXI to XC, both inclusive, of Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*) are hereby extended to all suits hereafter to be brought under this Act or Act X of 1859.

Execution to issue at time of decree on oral application, afterwards on application in writing.

XVII. Process of execution in any suit hereafter to be instituted under this Act or under Act X of 1859 may be issued against either the person or the property of a judgment-debtor, but process shall not be issued simultaneously against both person and property. It may be issued on the oral application of the judgment-creditor, his agent, or mooktear, made at the time the judgment is pronounced, or thereafter upon the written application of the judgment-creditor, his agent, or mooktear, presented to the Court by which the judgment was given. Process of execution against the person or moveable property of a debtor shall be in the Form (E) or the Form (F) contained in the Schedule to Act X of 1859, or in a form as nearly resembling those forms as the circumstances of the case may admit.

If a person is arrested under Section 115 of Act X of 1859, case to be disposed of at once.

XVIII. If any person shall after the date of the passing of this Act be arrested under Section CXLV of the said Act X of 1859, he shall be brought before the Collector with all convenient speed, and the Collector shall proceed forthwith to try the case. If the case cannot be at once heard and determined, the Collector may, if he think fit, require the person arrested to give security for his appearance whenever the same is required. In default of such security the person arrested shall be committed to the Civil Jail till the case is heard.

Deputy Collector's powers.

XIX. All the powers vested in the Collector by any of the Sections of this Act or of Act X of 1859, may be exercised by any Deputy Collector in cases referred to him by a Collector, and in all cases without such reference by any Deputy Collector placed in charge of any Sub-division of a District, or who is specially authorized by Government to receive such cases; and all applications and reports allowed or required by the said Act X of 1859, or by this Act to be made to the Collector, may be made to any Deputy Collector having such local jurisdiction or such special authority as aforesaid.

In what Court suits are to be instituted

XX. Suits under this Act or under Act X of 1859 shall be preferred in the Revenue Office of the District, or when a Sub-division of a District has been placed under the jurisdiction of a Deputy Collector, in the Revenue Office of the Sub-division in which the cause of action shall have arisen, or when the cause of action shall have arisen within the limits of the local jurisdiction of any Deputy Collector not in charge of a Sub-division but who has been specially authorized by Government to receive such suits, then in the Office of such last mentioned Deputy Collector. Provided always that the Collector may withdraw any suit from any Deputy Collector, and try it himself, or refer it to another Deputy Collector. If the lands comprised in any talook, farm, or other tenure or any lands held under one lease or engagement, or at one entire rent, in respect of which arrears of rent may be due, are situated in more than one District or Sub-division, or within the local limits of the jurisdiction of more than one Deputy Collector so specially authorized as aforesaid, the District, or Sub-division, or local limits in which the greater part of such lands is situate, shall be held to be the District, or Sub-division, or local limits in which the cause of action has arisen, and if any question shall be raised respecting the District, or Sub-division, or local limits within which the greater part of the lands is situate, the Board of Revenue, or, if all the lands be situate in one District, the

Collector of the District shall decide the question, and such decision shall be conclusive on the point of jurisdiction.

This Act to be read with Act X of 1859.

XXI. This Act shall be read with and taken as part of Act X of 1859, except as regards suits instituted thereunder before the passing of this Act.

SCHEDULE A.*

I, A. B., of &c., do solemnly declare that I did personally (*or* by my agent C. D.) on the day of tender payment to E. F. at his mal-kutchery (*or at*) the place where the rent of the lands at held or cultivated by me under or from the said E. F., are usually payable, of the sum of Company's Rupees as and for the whole amount due from me in respect of the rent of the said lands from the month of to the month of both inclusive. I further declare that the said E. F. refused to accept the said sum so tendered (or to give me a receipt in full forthwith for the same.) And I do declare that to the best of my belief the sum of Company's Rupees so tendered and which I now desire to pay into Court, is the full amount which I owe the said E. F. on account of the rent of the said lands from the month of to the month of both inclusive, and that I owe the said E. F. no further sum on account of the rent of the said lands.

SCHEDULE B.†

Court of the Collector (or Deputy Collector) of

Dated the day of 18

To E. F. of &c.

With reference to the within declaration you are hereby informed that the sum of Company's Rupees therein

* If this Declaration is made by an agent, it must be altered accordingly.

† This is to be by endorsement on a copy of the Declaration under Schedule A made by the person paying the money into Court.

mentioned is now in deposit in this Court, and that the above sum will be paid to you or to your duly authorized agent on application. And take notice that if you have any further claim or demand whatsoever to make against the said A. B. in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date; otherwise your claim will be for ever barred.

Misprinting of page numbers from the next page. Pages 229-230 have been printed twice.

ACT No. VII OF 1862.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Governor-General on the 1st May 1862)

An Act to repeal Section XXX of Regulation II, 1819 *(for modifying the provisions contained in the existing Regulations regarding the resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and for defining the right of Government to the revenue of lands not included within the limits of estates for which a settlement has been made.)*

Preamble.

WHEREAS by Section XXX of Regulation II, 1819, it is enacted that certain suits preferred in a Court of Judicature regarding lands held, or claimed to be held, free of assessment, shall be referred for investigation to the Collector, and that similar suits may be preferred in the first instance to the Collector; and whereas such reference of suits is unnecessary and causes inconvenience and delay in their decision, and it is advisable that such suits should be preferred and disposed of exclusively in the ordinary Courts of Civil Judicature; It is enacted as follows:—

Section 30 of Regulation II, 1819, repealed.

I. Within the Provinces subject to the Government of Bengal, Section XXX of Regulation II, 1819, is hereby repealed, except as regards such suits decided by Collectors under the provisions of that Section as may be open to repeal at the date of the passing of this Act.

II. All suits preferred by proprietors, farmers, or talookdars, to resume the revenue of any land held free of assessment, as well as all suits preferred by individuals claiming to hold land exempt from the payment of revenue, shall be instituted, heard, and determined in and by the Courts of Civil Judicature, like ordinary civil suits, and under the rules and subject to all the provisions contained in Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*), and not otherwise.

Suits for resumption of land held free of assessment to be tried in the ordinary Civil Courts; so also claims to hold land free of assessment.

III. This Act shall apply to all suits commenced under Section XXX of Regulation II, 1819, and pending decision under that Section in any Court (other than a Court to which such suit has come by way of appeal), or before any Collector at the time of the passing of this Act. All Collectors shall forthwith transfer to the ordinary Courts of Civil Judicature all such suits, whether originally instituted before them, or referred to them by the Civil Courts, as may be pending before them at the time of the passing of this Act; and all suits so transferred shall be heard and determined as provided for by this Act, and not otherwise.

Act to apply to all pending suits commenced under Section 30 of Regulation II, 1819.

Collectors shall transfer all suits pending before them to the Civil Courts.

IV. This Act shall not in any way invalidate or alter the effect of anything which shall have been done in any suit prior to the passing of this Act; and all proceedings which, prior to the transfer of any suit, shall have been held, or shall have taken place under, or in accordance with, the provisions of Section XXX of Regulation II, 1819, shall be taken, and shall have effect, so far as circumstances will permit, as if the same had been held or had taken place in due course in the Court to which the suit shall be transferred.

Act not to invalidate proceedings, &c., under Section 30 of Regulation II 1819, and transfer of suit to Civil Court not to alter effect of proceedings previously had.

Bengal Secretariat Press.—D. E. J.—300—30-11-74.

ACT No. VIII OF 1862.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Governor-General on the 8th May 1862.)

An Act to improve the system of Zemindary Dawks in the Provinces subject to the Government of Bengal.

Preamble.

WHEREAS the conveyance of letters on the public service between Police Officers and Police Stations and the Magisterial Officers of the Districts subject to the Government of Bengal, is defective, irregular, and uncertain, and the system requires to be amended and placed on a better footing; It it enacted as follows :—

Section 10 Regulation XX. 1817 repealed.

I. Section 10 of Regulation XX. 1817 is hereby repealed, so far as the same relates to the Districts and Provinces subject to the Government of Bengal.

Appointment, remuneration, and removal of dawk-runners, vested in Magistrate or other Officer appointed by Government.

II. The appointment, removal, and payment of dawk-runners and other persons necessary for the performance of the service of conveying papers, letters, packets, and correspondence between Police Officers and Police Stations and Magistrates of Districts, or Officers in charge of Sub-divisions, shall be vested exclusively in the Magistrate of each District, or in such other Officer as the Government may, from time to time, direct.

Raising of funds for maintaining Zemindary Dawks.

III. It shall be lawful for the Magistrate of every District, or for such other Officer as the Government may from time to time direct, to raise, as hereinafter provided, the monies necessary for the payment of the establishments required for the purpose of

efficiently maintaining the Zemindary Dawks within the District from all Zemindars, Sudder Farmers, and other persons paying revenue direct to Government in respect of lands situated within the District.

No Zemindary Dawk to be maintained where there is a Government Post.

IV. Provided always that no Zemindary Dawk shall be established or maintained under this Act between any two places between which a Government Post for the time being exists.

Total sum necessary to be fixed and apportioned rateably on Sudder Jumma of those liable to contribute.

V. The Magistrate or such other Officer as aforesaid shall in each and every year, on or before the last day of the month of December, fix, subject to the approval and revision of the Commissioner of the Division, the total sum necessary for the next ensuing year for the efficient service of the Zemindary Dawks in his District, and apportion such amount rateably on the Sudder Jumma of the parties liable as aforesaid to pay the same, and shall appoint the days for the payment thereof.

Notice to be given of amount to be levied, its rateable apportionment and days of payment.

VI. A notice shewing the amount to be levied for the ensuing year and the rateable apportionment thereof among the persons liable to pay the same, and the days appointed for payment thereof, shall be affixed in some conspicuous place in the Office of the Magistrate, or of such other Officer as aforesaid, and also in the Office of the Collector of the District, not less than fifteen days previous to the day appointed for the first half-yearly payment.

Appeal to Commissioner when assessment on any one person exceeds forty Rupees in the year.

VII. An appeal shall lie to the Commissioner of the Division from any order of a Magistrate or such other Officer as aforesaid, imposing on any one person a pecuniary liablity for more than forty Rupees a year under Section V of this Act. Provided that such appeal shall be presented to the Commissioner within thirty days from the date of affixing in the Office of the Magistrate, or of such other Officer as aforesaid, the notice of the imposition of the liability appealed against.

Proviso.

Exemption from liability to pay assessment.

VIII. It shall be lawful for such Magistrate or other Officer aforesaid, by an order to that effect, to exempt from the liability to payment of an

assessment under this Act any person the Sudder Jumma of whose estates in any one District does not exceed fifty Rupees a year.

Payment to be half-yearly, and in advance:

IX. The sums leviable under this Act shall be paid into the District Treasury half-yearly and in advance by the persons liable to pay the same; and any person or the local Agent of any person liable to pay any sum assessed under this Act, who shall refuse or shall for the space of thirty days after the day appointed for the payment thereof neglect to pay the same, shall be liable to pay double the amount so assessed, which said double amount, in default of immediate payment, shall be levied by the order of the Magistrate or of such other Officer as aforesaid by distraint and sale of moveable property of the person making default. Provided always that no person shall become liable to pay double the amount originally assessed, so long as any appeal instituted by him under Section VII of this Act shall be pending.

and double amount to be levied on default.

Proviso.

Any surplus to be carried to credit of next year's Dawk account.

X. If the whole of the sum raised for the service of any one year be not actually required for that service, the surplus shall be placed to the credit of the Zemindary Dawk account for the next ensuing year, and shall go in reduction of the total sum to be levied for the service of that year under this Act; and when a double amount is levied under the last preceding Section, so much, therefore, as is in excess of the sum for which the person from whom it is levied was in the first instance assessed, shall in like manner be placed to the credit of the next ensuing year's account, and go in reduction of the total sum to be levied for that year.

Government to frame general Rules.

XI. The Government may from time to time frame general Rules for the guidance of the authorities and for the transport of the dawks established by this Act, provided such Rules be not incompatible with its provisions, or with the provisions of Act XVII of 1854 (*for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office*), or with any Rules made under that Act by the Governor-General of India in Council.

XII. Nothing in this Act contained shall in any way affect or alter any contract or engagement made or to be made by any Zemindar with any person holding under him.

This Act not to affect contracts between Zemindars and their under-tenants.

XIII. This Act shall take effect on and from the first day of December next.

Act to take effect on and from 1st December next.

ACT No. IX of 1862.

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 21st November 1862, and of the Governor-General on the 24th idem.)

An Act to amend the law relating to the appointment of Registers of Deeds, and to provide for the establishment of Deputy Register Offices.

Preamble.

Whereas it is expedient to amend the law relating to the appointment of Registers of Deeds in the Provinces subject to the Government of Bengal; and whereas the establishment of Deputy Register Offices will be attended with convenience to the public; and whereas instances have occurred of persons exercising the office of Register of Deeds, with regard to the legality of whose appointment to that office doubts have arisen; It is enacted as follows:—

Laws repealed.

I. Section XV of Regulation XXXVI 1793, Act XXX of 1838, with the exception of Section V of that Act, Sections I, II, and III of Act IV of 1845, and Act XI of 1851, are hereby repealed.

The Lieutenant-Governor may appoint "District Registers."

II. The Lieutenant-Governor of Bengal may, in each and every District of the Provinces subject to the Government of Bengal, appoint any person whom he may think fit to be a Register of Deeds in and for such District under the provisions of the Laws and Regulations as to the registration of deeds now in force in those Provinces. Every Register so appointed shall be styled the "District Register" of the District to which he is appointed, and his Office shall be styled the "District Register Office."

The Lieutenant-Governor may appoint "Deputy Registers."

III. The Lieutenant-Governor of Bengal may establish subordinate Offices of Registry for such Sub-divisions of Districts, or at such places as shall to him seem proper, and every such subordinate Office shall be styled a "Deputy Register Office" of the District in which it is situated: and the Lieutenant-Governor of Bengal may appoint any person whom he may think fit to the charge of such "Deputy Register Office," and the person so appointed shall be styled a "Deputy Register" of the District to which the Office of which he has charge belongs.

Limits of Sub-divisions for Deputy Register Offices to be fixed by the Lieutenant-Governor.

IV. The Lieutenant-Governor of Bengal shall fix the limits of the various Sub-divisions and places for, or at which the Deputy Register Offices are established, and may, from time to time, alter the limits so fixed.

Subject to this Act, all registration to be effected as provided by the existing Regulations and Acts.

V. Except as in this Act provided, the registration of deeds at any "District Register Office", or "Deputy Register Office" shall be subject to all the Laws and Regulations now in force as to the registration of deeds in the same way as if the Register Offices to be established under this Act had been expressly mentioned or referred to throughout such Laws and Regulations.

Clauses 2 and 3, Section VI of Regulation XX 1812, not to be applicable to Deputy Registers or their Offices.

VI. Clauses 2 and 3 Section VI of Regulation XX, 1812 shall not be applicable to Deputy Register Offices or Deputy Registers for the registry of Deeds under this Act.

In case of death or absence on leave of Register, some person to be appointed by Zillah Judge, &c., to temporary charge of Register Office.

VII. In case of the death or absence on leave or otherwise of any District Register, or Deputy Register, it shall be lawful for the Zillah Judge or other Officer specially authorised by Government in that behalf, to appoint any person whom he may think fit to take

temporary charge of the Office of such District Register or Deputy Register, and to register deeds in the same manner as if such person had been appointed to the Office by the Lieutenant-Governor of Bengal.

Deeds may be registered in any Office, wherever the land may be situated.

VIII. Deeds may be registered in any District Register Office or in any Deputy Register Office established under this Act, whether such Office be or be not in the District, Sub-division, or place where the property to which such deeds relate, or any part thereof, is situated.

Deputy Register to forward a copy to District Register.

IX. Whenever a deed is tendered for registration in any Deputy Register Office, it shall be the duty of the Deputy Register of that Office to require the person tendering the deed to furnish and leave with him two copies thereof attested as prescribed in Clause 1, Section II of Regulation XX, 1812. One of such copies shall be forwarded by the Deputy Register to the District Register of the District within which his Office is situate, and the District Register, on receiving such copy, shall register the same as if it had been presented to him in the first instance by the person registering. All fees required for registration shall be paid, by or on behalf of the person tendering the deed for registration, before the same is registered.

If property be not within the District, or be within several Districts, copy to be sent to the Office of the District in which it lies, or to each District Office within whose limits any part of it lies.

X. When no part, or a portion only, of the property to which a deed, registered in the Office of any District or Deputy Register, relates, is situated within the District in which the deed is registered, it shall further be the duty of the Registering Officer to forward a copy of the deed as registered in his Office, to the District Register Office of every District in which any part of such property is situated. Such copies or copy shall be furnished and attested as prescribed in Clause 1, Section II of Regulation XX, 1812; and every District Register receiving a copy so forwarded, shall duly register it, as if it had been presented to him in the first instance by the person registering.

For every such copy required for transmission to any other District Register Office as aforesaid, the person registering shall pay the whole fee usually payable on registration.

All fees received are to be accounted for to Government. Government to pay Registers' salaries thereout.

XI. All fees received by any District Register or Deputy Register of Deeds appointed under this Act shall be accounted for to Government in such manner as the Government may direct, and out of the fees so accounted for, whether received by one Office or by more than one Office, the Government shall pay to the District Registers and Deputy Registers so appointed as aforesaid, such salaries as it shall think proper.

Government to allow to the Register Offices suitable Establishments, and to pay for them out of the fee fund.

XII. So much of Section XIV of Regulation XXXVI of 1793 as provides that from the fees in that Section mentioned the Register shall provide the necessary Native Officers to make the entries and copies directed, as well as the required stationery, is hereby repealed as regards all District Registers and Deputy Registers appointed under this Act; and it is hereby provided that the Government may allow such Establishments to the several District Registers and Deputy Registers appointed under this Act as may be necessary for the efficient conduct of the duties of their respective Offices, and the cost of such Establishments shall be paid by Government out of the fees accounted for as directed in the last preceding Section, and all the expenses connected with the said District and Deputy Register Offices respectively, including the supply and safe custody of Register Books, shall be defrayed by Government out of the said fee fund.

At the close of the year the Deputy Register is to make over all books, &c., to District Register.

XIII. Every Deputy Register shall, on or before the 31st day of January in each and every year, make over all Register Books for the year ending on the 31st day of the preceding December, and all copies of deeds registered during that year, to the District Register to whom he is subordinate, and such District Register shall deposit and deal

with the copies of deeds and the books so made over to him as if they were records of his own Office.

Acts done by Registers who may not have been legally appointed declared to be valid and legal *ab initio.*

XIV. All registrations of deeds which have, before the passing of this Act been made by any Officer holding or professing to exercise the office of Register of Deeds in any of the Provinces subject to the Government of Bengal, although he may not have been legally appointed to such office, and all acts done by such Officer in reference to such registrations, are hereby declared to be and to have always been valid and good in all respects, as if such Officer had been legally appointed at the time of making the registrations or doing the acts.

Government may frame Rules.

XV. The Government is hereby empowered to frame Rules for the guidance of all District and Deputy Register Offices, provided that the same shall not be inconsistent with the provisions of this or any other Act or Regulation for the time being in force.

ACT No. I of 1863.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 6th January 1863, and of the Governor-General on the 9th idem.)

Repealed Act XII of 1871.

An Act for the Levy of Port-dues and Fees in the Port of Canning on the River Mutlah.

Preamble

WHEREAS it is necessary to fix the amount of the Port-dues and Fees to be levied and taken in the Port of Canning on the River Mutlah, in accordance with the provisions of Act XXII of 1855 *(for the levy of Port-dues and fees)*: It is enacted as follows:—

Port-due chargeable on sea-going vessels of twenty tons and upwards entering the Port.

I. A Port-due at a rate not exceeding the rate of four annas for every ton of burden shall be chargeable in respect of every sea-going vessel of the burden of twenty tons and upwards which shall enter the said Port.

No Port-due on vessels compelled by stress of weather to re-enter the Port.

II. Provided that no such due shall be chargeable in respect of any vessel which, having left the Port, is compelled to re-enter it by stress of weather, or in consequence of having sustained any damage.

Port-due on dhonies and country vessels

III. Provided also that the Port-due chargeable in respect of dhonies and country vessels employed in the coasting trade shall be at a rate equal to one-half the rate chargeable in respect of other vessels; and such due shall not be chargeable oftener than once in ninety days in respect of the same vessel.

Vessels entering the Port in ballast.

IV. Vessels entering the Port in ballast shall be charged with three-fourths of the Port-due which would otherwise be chargeable.

PRICE 6 PIES.

Tug Steamers and River Steamers.

V. Tug Steamers and River Steamers belonging to the said Port shall be liable to the Port-due specified in Section I of this Act, and the said due shall be chargeable in respect of every such Steamer once between the 1st day of January and the 30th day of June, and once between the 1st day of July and the 31st day of December in each year. The provisions of Section XLVI of Act XXII of 1855 shall not be applicable to such Steamers.

Fees for certain services.

VI. Within the said Port, fees may be charged for the following services at rates not exceeding those hereinafter specified, namely:—

Hauling to or from Chain Moorings, each operation ..	Rs.	16
Hauling to or from Swinging Moorings, each operation..	"	10
Re-mooring	"	16
Hauling in or out of Dock, each operation.. ..	"	30
Removing from one part of the Port to another ..	"	16
Removing from one mooring to another at the request of the Agent or Master	"	30
Hooking	"	16
Measuring	"	30

Commencement of Act. Rates of Port-dues to be published.

VII. This Act shall commence and have effect on the first day of August 1863, and the Lieutenant-Governor of Bengal shall on or before that date, pursuant to Section XLII of Act XXII of 1855, declare, by Notification to be published in the *Calcutta Gazette*, the rates at which Port-dues shall be levied in the said Port subject to the provisions of and within the limits prescribed by this Act; and from and after the said date no Port-due shall be levied at the said Port except under the authority of Act XXII of 1855 and of this Act.

No other Port-dues to be levied.

Act to be read as part of Act XXII of 1855.

VIII. This Act shall be read with and taken as part of Act XXII of 1855.

ACT No. II OF 1863.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Received the assent of the Lieutenant-Governor on the 17th January 1863, and of the Governor-General on the 21st idem.

An Act to abate and prevent nuisances arising from the Smoke of Furnaces in the Town and Suburbs of Calcutta.

Preamble

WHEREAS it is expedient to abate and prevent nuisances arising from the smoke of furnaces in the Town and Suburbs of Calcutta; It is enacted as follows:—

Furnaces in the Town and Suburbs of Calcutta to consume their own smoke.

I. Every furnace employed or to be employed anywhere within the Town or Suburbs of Calcutta in the working of Engines by steam, and every furnace employed or to be employed within the said Town or Suburbs in any works, or in any building used for the purposes of Trade or Manufacture (although a Steam Engine be not used or employed therein), shall be constructed or altered so as to consume or burn the smoke arising from such furnace on and after the first day of July 1864. And if any person, on or after the said first day of July 1864, and within the Town and Suburbs aforesaid, shall use any such furnace which shall not be constructed or altered so as to consume or burn its own smoke, or shall so negligently use any such furnace as that the smoke arising therefrom shall not be effectually consumed or burned, or shall not use the best practicable means for preventing or counteracting such smoke, every person so offending, being the owner or occupier of the premises, or being a Foreman or other person employed by such owner or occupier in charge of such furnace, shall, upon a summary conviction for such offence before any Magistrate, forfeit and pay a sum of

not more than fifty Rupees, and upon a second conviction for such offence the sum of one hundred Rupees, and for each subsequent conviction a sum double the amount of the penalty imposed for the last preceding conviction. Provided always that this Act shall not apply to any Locomotive Engine used wholly upon any Railway in the Suburbs of Calcutta, nor to any Steam Vessel which is not employed as a Ferry boat plying from any one place within the said Town and Suburbs of Calcutta to any other place within the said limits.

Exception as to Locomotive Engines and Steam Vessels.

II. The words "consume or burn the smoke" as used in this Act shall not be held to mean "consume or burn every particle of the smoke," and the Magistrate before whom any person shall be summoned may remit the penalties enacted by this Act, if he shall be satisfied that such person has so constructed or altered his furnace as to consume or burn, as far as possible, all the smoke arising from such furnace, and has carefully attended to the same, and consumed or burned, as far as possible, the smoke arising from such furnace.

Interpretation of the term "consume or burn the smoke.

III. It shall be lawful for any Magistrate to grant an order authorizing any person therein named to inspect any furnace to which the provisions of this Act shall apply and to examine the construction thereof. If the owner or occupier of any premises to which the provisions of this Act shall apply, shall refuse to allow his premises to be inspected by a person duly authorized by a Magistrate for that purpose, it shall be lawful for any Police Officer or other person authorized by the order in writing of a Magistrate, with or without any Assistants, to enter into and upon such premises and to inspect the same and examine any furnace therein; and any person obstructing any such Police Officer or other person or his Assistants in the execution of any such order shall, upon a summary conviction for such offence before a Magistrate, forfeit and pay a sum not exceeding two hundred Rupees.

Magistrate may grant order giving power to inspect a furnace.

Penalty for obstructing inspection.

IV. No information shall be laid against any person for the recovery of any penalty under this Act, except by the authority of a Magistrate.

No information to be laid except by authority of Magistrate.

V. In this Act the word "Magistrate," as regards cases arising within the local limits of the Town of Calcutta, shall mean any Magistrate of Police for the said Town, and as regards cases arising without the said Town shall mean any Officer having the full powers of a Magistrate: and the term "Suburbs of Calcutta" shall include the Suburbs of Calcutta and the Station of Howrah, as defined and described in Act XXI of 1857 *(for making better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah.)*.

Interpretation. "Magistrate."

"Suburbs."

VI. Words used in the singular number in this Act shall be held to comprise the plural, and words used in the plural number to comprise the singular.

Words in the singular number to comprise words in the plural.

VII. All penalties imposed by this Act may be recovered, if for offences not committed within the local limits of the Town of Calcutta, in the manner prescribed for the recovery of fines by Section LXI of Act XXV of 1861 *(for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter)*, and if for offences committed within those limits, in the manner prescribed for the recovery of penalties by Act XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras and Bombay)* and Act XLVIII of 1860 *(to amend Act XIII of 1856)* or any other Act for regulating the Police of the Town of Calcutta in force for the time being. All penalties to be levied under this Act shall be disposed of in such manner as the Lieutenant-Governor of Bengal from time to time shall direct.

Recovery of penalties.

Penalties how to be disposed of

Bengal Secretariat.—[A. A. 8—300—22 11-72]

ACT No. III OF 1863.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 10th March 1863, and of the Governor-General on the 28th idem.)

An Act to Regulate the Transport of Native Laborers to the Districts of Assam, Cachar, and Sylhet.

Preamble.

WHEREAS it is expedient to regulate the passage and transport of native laborers, from or through the Provinces subject to the Government of Bengal, to the Districts of Assam, Cachar, and Sylhet; and also to regulate the manner of engaging and contracting with native inhabitants of the said Provinces to proceed to the said Districts for the purpose of laboring for hire; It is enacted as follows:—

Laborers shall be engaged to proceed to Assam, &c., and shall be conveyed there only under this Act.

I. From and after the first day of May 1863, whoever shall, otherwise than under the provisions of this Act, engage any native inhabitant of India in any of the Provinces subject to the Government of Bengal, to proceed to any or either of the Districts of Assam, Cachar, or Sylhet for the purpose of laboring there for hire; and whoever shall, otherwise than under the provisions of this Act, convey any native inhabitant of India through any of the said Provinces to any or either of the Districts aforesaid for the purpose of laboring there for hire, shall be liable to a fine not exceeding two hundred Rupees for every person so engaged or conveyed, and in default of payment

Penalty.

of such fine shall be liable to imprisonment for a term not exceeding six months. Provided always that nothing in this Act shall apply to any engagement made in any or either of the said Districts of Assam, Cachar, and Sylhet.

Proviso.

II. For the purposes of this Act it shall be lawful for the Lieutenant-Governor of Bengal to appoint Superintendents of Labor Transport, and Medical Inspectors of Laborers, at any places where he may think proper: provided that, whenever any Superintendent or Medical Inspector shall be appointed, the Lieutenant-Governor of Bengal shall, by Notification in the *Calcutta Gazette*, define the local limits within which such Superintendent or Medical Inspector shall exercise the powers and authority conferred on him by this Act. When such local limits shall have been so defined, no other Superintendent or Medical Inspector shall within those limits exercise any of the powers vested in a Superintendent or Medical Inspector by this Act.

Lieutenant-Governor may appoint Superintendents of Labor Transport and Medical Inspectors of Laborers.

III. It shall not be lawful for any person who is not duly licensed as a Contractor or Recruiter as hereinafter provided, to engage or induce, save through or by the agency of a licensed Contractor, any native inhabitants of India to proceed to the Districts of Assam, Cachar, or Sylhet for the purpose of laboring for hire. Any person, other than a Contractor, licensed as hereinafter provided, who shall enter into any contract or agreement to supply any such native inhabitants for the purpose of laboring for hire in those Districts or any or either of them, and any person other than a Recruiter, licensed as hereinafter provided, who shall enter into any contract or agreement to engage or induce, or shall attempt to engage or induce, any such native inhabitants to proceed to any of those Districts for the purpose aforesaid, shall be liable for each offence to a fine not exceeding one thousand Rupees, and in default of payment thereof to imprisonment for a term not exceeding six months.

No person not licensed as a Contractor or Recruiter, may engage or contract to supply laborers.

Penalty.

IV. It shall be lawful for any Superintendent appointed under this Act to grant to such persons as he may think fit licenses, in the form set forth in Schedule (A) to this Act annexed, to act as Contractors for engaging or supplying persons for the purpose of laboring for hire in the Districts of Assam, Cachar, and Sylhet, or any or either of them. For every such license a fee not exceeding one hundred Rupees (the amount of which shall from time to time be fixed by the Government of Bengal) shall be paid to the Superintendent granting the same; and every such license shall be in force for one year and no longer.

Superintendent may grant licenses to Contractors.

V. Every Contractor licensed under this Act shall, if called on to do so by the Superintendent by whom he is licensed, establish a depôt in a place to be approved of by such Superintendent. Every such depôt shall be kept up by the Contractor for the reception of laborers to be supplied or forwarded by or through him. All such laborers shall, on their arrival at or in the neighbourhood of the depôt so established by the Contractor by, through, or for, whom they have been engaged or forwarded, be at once taken to, and received into it, and shall be entitled to receive in such depôt, at the expense of such Contractor, suitable lodging, food, clothing, and medical attendance, until such laborers shall be declared by the Superintendent to be no longer entitled thereto. Every such depôt as aforesaid shall be under the supervision of the Superintendent, and shall be open to his inspection and to the inspection of the Medical Inspector at all times, and shall be managed and regulated by the Contractor in accordance with such rules as the Superintendent may, with the sanction of the Lieutenant-Governor of Bengal, from time to time lay down in that behalf.

Contractors shall keep up depôts, and receive and maintain laborers therein.

VI. It shall be the duty of every Contractor to afford such information to the Superintendent by whom he is licensed, and to make such returns and reports to him, as such Superintendent may from time to time require.

Contractor to give Superintendent such information as he may require.

It shall not be lawful to employ an unlicensed Recruiter or Agent.

VII. It shall not be lawful for any person, whether a licensed Contractor or otherwise, to employ any person, not duly licensed as hereinafter provided, to act as Recruiter or Agent in inducing or engaging natives of India to proceed from or through any of the Provinces subject to the Government of Bengal, to the Districts of Assam, Cachar, or Sylhet as laborers for hire.

Superintendent may license Recruiters.

VIII. It shall be lawful for any Superintendent to grant to such persons as he may think fit licenses, in the form set forth in the Schedule (B) to this Act annexed, to act at Recruiters for engaging or inducing persons to proceed to the Districts of Assam, Cachar, or Sylhet for the purpose of laboring for hire. For every such license a fee not exceeding sixteen Rupees (the amount of which shall from time to time be fixed by the Government of Bengal) shall be paid to the Superintendent granting the same, and every such license shall be in force for one year and no more.

Superintendent may cancel the license of a Contractor or Recruiter.

IX. It shall be lawful for any Superintendent, in case of misconduct on the part of a Contractor or Recruiter, to cancel any license which he may have granted to such Contractor or Recruiter.

Recruiter to wear badge.

And have his license countersigned by a Magistrate where he is recruiting.

X. Every person holding a license as Recruiter shall wear a badge having legibly inscribed on it, in the Oordoo and Bengallee languages, the name of the District or Districts to which he is licensed to engage laborers to proceed. No Recruiter shall engage or attempt to engage laborers in any District of the said Provinces or in the Town of Calcutta, without having first exhibited his license to a Magistrate in such District or Town, and obtained the countersignature of the Magistrate thereupon. Such countersignature shall be given, provided that the license is in force at the time.

XI. Every native inhabitant of India who shall, in any place within the said Provinces other than the Town of Calcutta, enter into any engagement with a Recruiter to proceed to the Districts of Assam, Cachar, or Sylhet for the purpose of laboring for hire, shall, when called on by the Recruiter so to do, appear with the Recruiter before any Magistrate in the District within which the engagement was entered into. Upon so appearing, the Recruiter shall state to the Magistrate to what depôt he intends that the laborer shall proceed, and the Magistrate shall thereupon examine the laborer with reference to his engagement, and if it appears that he comprehends the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Magistrate shall register the name of such laborer and the depôt to which it is intended he shall proceed, in a book to be kept for the purpose in such form as the Lieutenant-Governor of Bengal shall prescribe: but if the Magistrate shall be of opinion that such person does not comprehend the nature of his engagement, or that he has been induced to enter into it by fraud or misrepresentation, he shall refuse to register the name of such person. An authentic copy of every registration made under this Section, shall be forthwith forwarded by the Magistrate to the Superintendent within the local limits of whose authority the depôt to which such registration relates is situated.

Laborer recruited in the Mofussil shall appear before Magistrate for examination and registration.

Copy of Register to be sent to the Superintendent.

XII. Every native inhabitant of India who shall, in the Town of Calcutta, enter into any engagement with a Recruiter to proceed to the Districts of Assam, Cachar, or Sylhet for the purpose of laboring there for hire, shall, within forty-eight hours of making such engagement, appear with the Recruiter before the Superintendent having authority in the said Town. Upon so appearing the Recruiter shall state to the Superintendent to what depôt he intends that the laborer shall proceed, and the Superintendent shall thereupon examine the laborer with reference to his engagement, and if it appears that he comprehends

Registration of laborers recruited in Calcutta.

the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Superintendent shall register the name of such laborer and the depôt to which it is intended he shall proceed, in a book to be kept for the purpose in such form as the Lieutenant-Governor of Bengal shall prescribe: but if the Superintendent shall be of opinion that such person does not comprehend the nature of his engagement, or that he has been induced to enter into it by fraud or misrepresentation, he shall refuse to register the name of such person.

Penalty for forwarding laborers or allowing them to go without being duly registered, &c.

XIII. Every Recruiter who shall forward or send any laborer from the District or Town in which he has entered into any engagement, or who shall induce or knowingly permit any laborer to leave such District or Town, for the purpose of proceeding to the Districts of Assam, Cachar, or Sylhet without the laborer being duly registered as provided in Sections XI and XII of this Act, and every Recruiter who shall forward or send any laborer, or shall induce or knowingly permit any laborer to proceed to any depôt other than the depôt registered under those Sections, shall be liable to a fine not exceeding two hundred Rupees for every laborer so forwarded or sent, or induced or permitted, and in default of payment of such fine to imprisonment for a term not exceeding six months.

Laborer shall be accompanied to depôt by Recruiter or person approved by Magistrate.

XIV. The registered laborers engaged by any Recruiter shall, while proceeding to a depôt, be accompanied throughout the journey, either by the Recruiter himself, or by a competent person appointed by him with the approval of the Magistrate by whom the laborers may have been registered. Every Recruiter by or through whom laborers may be forwarded to a depôt, shall, throughout their journey, provide them with proper and suitable lodging and food. Whenever any such laborer shall not be so provided with lodging or food, the Recruiter shall, whether he accompanied the laborers in person or not, be liable to a fine not exceeding two hundred Rupees, and in default of payment of such fine to imprisonment for a term not exceeding six months.

Recruiter to provide suitable food and lodging, &c.

XV. Every Contractor shall, within twenty-four hours after the arrival of any laborer at his depôt, give to the Superintendent a notice in writing of such arrival, which notice shall be in such form, and shall contain such particulars as the Superintendent shall prescribe. Every laborer shall, as soon as may be after his arrival, be examined by the Medical Inspector, who shall give to the Superintendent a certificate of the state of health of every laborer examined.

Contractor to give the Superintendent notice of arrival of laborers at depôt.

Medical Inspector to inspect laborers on arrival.

XVI. If the Medical Inspector shall certify that any laborer is not in a state of health which warrants his proceeding to the Districts of Assam, Cachar, or Sylhet, for the purpose of laboring, the Superintendent shall either order the Contractor, in whose depôt such laborer may be, forthwith to convey him back to the place at which he was registered, or shall order the Contractor to pay to the laborer such sum as shall to the Superintendent seem necessary to enable him to return there: and the Contractor if so ordered shall, without unreasonable delay, convey the laborer or cause him to be conveyed back to the place at which he was registered On failure of the Contractor for twenty-four hours to comply with an order of the Superintendent for the payment of such sum of money as aforesaid, it shall be lawful for the Superintendent to advance the same to the laborer, and every sum so advanced shall be recoverable by the Superintendent, with six per cent. interest from the date of advance, from the Contractor on whose default it may be advanced, as money paid to the use of such Contractor; and no further proof shall be required by any Court in any such case than that the Superintendent gave the Contractor such order as aforesaid, and that the Contractor for a space of twenty-four hours made default in complying therewith. Provided always that any laborer who, from his state of health, is, in the Medical Inspector's opinion, unfit to undertake the journey back to the place where he was registered, shall, in addition to his being conveyed back by or at the expense of the Contractor, be entitled to continue in the depôt and to be fed

If unable to proceed to Assam, &c., from bad health, Contractor to send laborer back to where he was registered.

clothed, and lodged there by and at the expense of the Contractor until such time as the Superintendent shall order otherwise.

Superintendent to examine all laborers as to their treatment on their journey.

XVII. The Superintendent shall examine separately each laborer, as soon as possible after his arrival at a depôt, as to the treatment that he has received on the journey to the depôt: and in case it shall appear that any laborer has suffered any ill-treatment on the journey, the Superintendent may cause him to be removed from the depôt. The Superintendent may thereupon order the Contractor, from whose depôt the laborer is removed, to pay him such a sum of money as to the Superintendent shall seem necessary in order to enable the laborer to return to the place where he was registered: and on failure of the Contractor to pay such sum within twenty-four hours of his being ordered to do so, the Superintendent may advance the amount to the laborer: and all the provisions of the last preceding Section as to sums advanced by the Superintendent shall be applicable, so far as the circumstances of the case will permit, to advances made by him under this Section.

Every laborer to enter into a written contract to serve for some period not exceeding five years.

XVIII. It shall not be lawful for any laborer to be conveyed from any depôt to the Districts of Assam, Cachar, or Sylhet for the purpose of laboring there for hire, unless he shall have first, in the manner hereinafter provided, entered into a duly registered contract with some person to serve such person there for a fixed period, which shall in no case exceed the term of five years. Every such contract shall be reduced to writing, and shall specify the rate of wages the laborer is to receive, and shall contain such particulars, and be in such form as the Lieutenant-Governor of Bengal shall prescribe.

Contract to be explained by Superintendent and executed in duplicate, and abstract to be entered in a book by Superintendent.

XIX. Every contract entered into by a laborer shall, in the presence of the Superintendent, be signed in duplicate both by the laborer and by the person with whom he intends to contract or his Agent. Before the laborer signs the contract, the Superintendent shall personally explain it to him, and shall satisfy himself that the laborer fully under-

stands all its details. The Superintendent shall attest every contract duly executed in his presence, and certify at the foot thereof that he has personally explained the same, and has satisfied himself as aforesaid. An abstract of every such contract shall be entered by the Superintendent in a Register to be kept by him for the purpose: and after such abstract has been so entered, one of the duplicates so duly signed and attested as hereinbefore provided shall be given to the laborer, and the other to the person with whom he has contracted, or his agent.

Copy of abstract to be sent to Magistrate of District where service is to be performed.

XX. The Superintendent shall send by post a copy, authenticated under his hand, of every abstract entered by him as in the last preceding Section provided, to the Magistrate of the District in which the service is in such contract agreed to be performed. Every such copy shall be despatched by the Superintendent within seven days after the entry of the abstract. Every abstract and every such copy shall be receivable in evidence in any Court, whether Civil or Criminal, in lieu of the original contract.

Laborers whose contracts are duly executed and entered, may be despatched with consent of Superintendent.

XXI. Any laborers whose contracts shall have been executed and entered as hereinbefore provided, may be despatched from time to time to the Districts of Assam, Cachar, or Sylhet, by the Contractors in whose depôts they may be, or by the persons whom they may have agreed to serve respectively, but subject always to the provisions of this Act. No laborer shall be so despatched, unless the permission of the Superintendent shall have been first obtained, and the laborer shall have received a pass from the Superintendent as hereinafter mentioned.

Steamer or boat to be licensed to carry laborers.

XXII. It shall not be lawful for the Master of any steamer or the Manjee of any boat, without a license granted by the Superintendent within the local limits of whose authority a laborer may embark, to convey such laborer to the Districts of Assam, Cachar, or Sylhet. A fee, not exceeding four annas per laborer (the amount of which fee shall from time to time be fixed by the Government of Bengal) shall be paid for every such license,

which fee shall be carried to the credit of the said Government and the granting or withholding any license shall be entirely discretionary with the Superintendent to whom application is made for the same. Every such license shall apply only to one voyage or trip to the Districts of Assam, Cachar, or Sylhet, or any one or more of those Districts, and shall specify the number of laborers which the steamer or boat is licensed to carry: and the license shall also specify the number of persons (including the crew) other than laborers, whom the steamer or boat is licensed to carry.

Penalty for conveying laborers in a steamer or boat without a license.

XXIII. The Master of any steamer, or the Manjee of any boat in which any such laborer shall be conveyed without a license having been obtained as aforesaid, shall be liable to a fine not exceeding two hundred Rupees for every laborer so illegally conveyed, and in default of payment thereof to imprisonment for a term not exceeding six months.

Penalty for fraudulent acts, whereby a license becomes inapplicable to the altered state of the steamer or boat.

XXIV. If the Master of any steamer, or the Manjee of any boat shall, after having obtained a license as aforesaid, fraudulently do or suffer to be done any act or thing whereby such license shall become inapplicable to the then state of the steamer or boat, such Master or Manjee shall be liable to a fine not exceeding five hundred Rupees, and in default of payment thereof to imprisonment for a term not exceeding two months.

Penalty for taking on board greater number of passengers than specified in license.

XXV. The Master of any steamer, or the Manjee of any boat licensed to carry laborers, who shall receive on board his steamer or boat a greater number of laborers, or a greater number of other persons, than is specified in his license, shall be liable to a fine not exceeding two hundred Rupees for every laborer and other person so received in excess of the licensed number, and in default of payment thereof to imprisonment for a term not exceeding six months. In computing under this Act the number of laborers or other persons on board of any steamer or boat, two children under the age of ten years shall be reckoned as one person only.

Two children under ten to count as one person.

No laborer to be taken on board unless he has a pass signed by the Superintendent.

XXVI. It shall not be lawful for the Master of any steamer, or the Manjee of any boat, licensed as aforesaid, to take on board any such laborer as aforesaid, unless such laborer shall have in his possession, and shall show, a pass given to him and signed by the Superintendent, stating his name and age, and the name of his father, and certifying the place of his destination.

No laborer to be allowed finally to leave steamer or boat, at any place other than that mentioned in his pass.

XXVII. It shall not be lawful for the Master of any steamer, or the Manjee of any boat, licensed as aforesaid, except in case of accident or unavoidable necessity, to be immediately reported to the Superintendent by whom the license was granted, and to the Magistrate of the district in which such accident or necessity shall occur, to cause or permit any such laborer as aforesaid finally to leave such steamer or boat at any place other than that named as the destination of such laborer in the pass signed by the Superintendent. No place shall be named in any such pass as the destination of any laborer, except a place which shall have been declared by the Lieutenant-Governor to be a place for the disembarkation of laborers under this Act. Provided always that this section shall not be deemed to prevent the Master of any steamer, or the Manjee of any boat from permitting laborers to disembark at any place or places on the voyage, so long as such disembarkation is not intended, or known to be likely to be permanent.

Proviso.

A list of the laborers on board to be delivered to Superintendent.

XXVIII. Before any steamer or boat, licensed as aforesaid, shall commence its voyage for the districts of Assam, Cachar, or Sylhet, the Master or Manjee thereof shall deliver to the Superintendent a list in duplicate, in a form to be prescribed by the Lieutenant-Governor of Bengal, specifying, as accurately as may be, the names, ages, occupations, and destination of all and every the laborers on board such steamer or boat. The Superintendent shall keep one of the said lists, and shall sign the other (if it be in his opinion correct) and deliver it back to the

Master or Manjee.

Penalty for afterwards taking on board laborers not entered in list.

If the Master of any steamer, or the Manjee of any boat shall, after having commenced his voyage, or after having delivered such list to the Superintendent, take on board any laborer whose name shall not have been entered in the list aforesaid, he shall be liable to a fine not exceeding two hundred rupees for every laborer so illegally taken, and in default of payment thereof to imprisonment for a term not exceeding six months.

Notice to be given and list delivered to Magistrate or officer appointed by him, immediately on arrival of steamer or boat at place of destination.

XXIX. The Master of any steamer, or the Manjee of any boat, licensed as aforesaid, having laborers on board, shall, immediately on the arrival of the steamer or boat at the place of destination, and previously to the disembarkation of any of the laborers, give notice of his arrival to the nearest Magistrate or such officer as shall be appointed by such Magistrate in that behalf, and shall deliver to him the list in the last preceding section mentioned.

Laborers to be landed under supervision of Magistrate, &c.

XXX. The laborers shall thereupon be landed under the supervision of the Magistrate or other officer aforesaid, who shall make such provision as he may consider necessary for the reception of the laborers and for their food, lodging, and clothing while they remain in the place or station at which they may have disembarked.

Magistrate may require Surgeon to inspect laborers and make a report.

XXXI. The Magistrate or other officer aforesaid may cause the laborers to be inspected by the Civil Surgeon of the station, or other qualified medical officer. It shall be the duty of such Civil Surgeon, or other medical officer to make such inspection when called on by the Magistrate or other officer aforesaid so to do, and after making such inspection, he shall prepare and sign a report in which he shall certify as to the state of health and general condition of every laborer inspected.

Magistrate, &c., to forward a report to Superintendent.

XXXII. The Magistrate or other officer aforesaid shall despatch without delay, to the Superintendent by whose permission they were forwarded, a detailed report of the number of laborers

who may have arrived, together with a copy of the report (if any) of the Civil Surgeon or other Medical Officer as to their state of health and general condition, and any observations which such Civil Surgeon or other Medical Officer, or such Magistrate or other Officer aforesaid may think fit to make.

Magistrate, &c., to give notice to the persons importing laborers of their arrival.

XXXIII. On the arrival of any laborers at the place of disembarkation, the Magistrate or other Officer aforesaid shall at once give notice of their arrival to the persons with whom they shall be under contract to labor, or to the Agents of such persons, who shall forthwith take charge of the laborers with whom they may have contracted respectively, and shall, in such manner as shall be approved of by the Magistrate or other Officer aforesaid, provide for their proceeding or being conveyed to the place of their final destination. It shall be the duty of the Magistrate, or other Officer aforesaid, to see, so far as is possible, that reasonable provision is made for the support and lodging of the laborers from the time of their disembarkation till they reach their final destination, and if the persons with whom they may have contracted shall fail to make such reasonable provision, the Magistrate or other Officer aforesaid may order such arrangements to be made, and incur such expenses as under the circumstances may seem to him necessary: and the amount of such expenses, as also any expenses incurred by him in the disembarkation, or in respect of the food, lodging, or clothing of the laborers, or of any of them, shall, with interest at the rate of six per cent. be recoverable by the Magistrate or other Officer aforesaid from the persons with whom the laborers, in respect of whom the expenses have been incurred, may have contracted, as money paid to their use.

If proper means are not provided for conveyance of laborers to place of final destination, Magistrate, &c., to make arrangements and incur necessary expenses.

Such expenses how to be recovered.

Superintendent to prescribe the quantity of provisions to be carried on steamer or boat.

XXXIV. There shall be laden, under the supervision of the Superintendent, on board of every steamer or boat carrying laborers to the districts of Assam, Cachar, or Sylhet, at the time of the embarkation of such laborers, good and wholesome provisions for the consumption of the said

laborers, to the amount or in the proportion which shall be prescribed by the Superintendent. And it shall not be lawful for the Master of the Steamer or the Manjee of the boat to commence the voyage without having on board such provisions as aforesaid, or without having on board such Medical and other Officers, Cooks, and other attendants, as the Superintendent shall order: and every Contractor or other person by whom or on whose account laborers are despatched to any of the said Districts, shall at his own expense provide such Medical and other Officers, Cooks, and other attendants, as shall be in each case ordered by the Superintendent.

And the number of Medical and other officers.

XXXV. The provisions with regard to registered laborers contained in Sections XIV, XXX, XXXI, XXXII, and XXXIV of this Act, shall be applicable to such children and aged relatives of the laborers as may, with the consent of a Contractor or Recruiter, and with the written permission of the registering Magistrate or Superintendent accompany them

Provisions of Sections XIV, XXX, XXXI, XXXII, and XXXIV to apply to children, &c., accompanying laborers.

XXXVI. The Superintendent may refuse to grant passes to any laborers, if the party to which they belong, or with whom it is intended to forward them shall not consist of, or be accompanied by, females above the age of twelve years in such proportion as the Lieutenant-Governor of Bengal shall from time to time direct: provided always that the proportion shall never be less than one female to every four males. And it shall not be lawful for any Master of a steamer, or any Manjee of a boat to convey, except by the express permission in writing of the Superintendent, any party of laborers (whether registered or not) which shall not contain or be accompanied by such proportion of females as shall be directed by the Lieutenant-Governor of Bengal as aforesaid.

Proportion of females to be carried on steamer or boat.

XXXVII. It shall be lawful for the Magistrate of any District, through which a steamer or boat having laborers on board shall be passing, to go on board such steamer or boat and to inspect the same or any part thereof, and the Master and Officers of such

Magistrate of a District may board and inspect steamer or boat.

steamer, and the Manjee of such boat shall be bound to afford to the Magistrate all reasonable facility for such inspection, and to give him all such information respecting such steamer or boat and her equipments, or respecting the laborers or other persons on board thereof, as may be reasonably required by the Magistrate.

Magistrate shall report to Superintendent if after boarding he find provisions of Act not complied with.

XXXVIII. In any case in which, on making such inspection as in the last preceding Section provided for, the Magistrate shall find that any of the provisions of this Act have not been complied with, he shall report the same to the Superintendent by whom the license to carry the laborers was granted to such steamer or boat;

And may detain steamer or boat if necessry.

and if the circumstances of the case are such as in the Magistrate's opinion make it necessary to do so, he may detain the said steamer or boat until the provisions of this Act have been complied with, so far as to make it possible for the voyage to be proceeded on with safety and reasonable comfort to the laborers.

Magistrate may, after consulting a Medical Officer, stop laborers on voyage, if violent sickness exist among them.

XXXIX. If violent sickness or disease shall exist among laborers while passing through any District, whether by land or by water, on their journey either to a depôt or to the Districts of Assam, Cachar, or Sylhet, it shall be lawful for the Magistrate of such District, if after taking the opinion of the Civil Surgeon, or other qualified Medical Officer, he shall think it advisable so to do, to stop the laborers and detain them until such time as they shall be able to proceed with safety. In any case in which laborers are detained as aforesaid by a Magistrate, he shall cause all necessary arrangements to be made for their accommodation and welfare, and all expenses incurred by him in so doing shall be recoverable with six per cent. interest form the Contractor by whom, or to whose depôt, the laborers are despatched, as money paid to the use of such Contractor.

Act not to apply to domestic servants or to laborers proceeding alone.

XL. The provisions of this Act shall not apply to domestic servants, or to any laborer proceeding alone, or accompanied by his family only, to the Districts of Assam, Cachar, or Sylhet or to any number of laborers less than ten proceeding

there together, without the intervention, direct or indirect, of a Recruiter, or of a Contractor.

No deduction to be made from the wages mentioned in the attested contract.

XLI. It is hereby declared that it shall not be lawful for any person, with whom a laborer has entered into a contract duly executed in the presence of the Superintendent as provided in Section XIX of this Act, to make any deduction whatever, from the amount of wages which by such contract are made payable to the laborer, for or on account of the expenses incurred in engaging such laborer, or otherwise incurred in respect of him prior to his reaching his final destination.

Penalty for any offence not specially provided for.

XLII. For every offence against the provisions of this Act for which no special penalty is hereinbefore appointed, the offender shall be liable to a fine not exceeding two hundred Rupees, and in default of payment thereof to imprisonment, for a term not exceeding one month.

Penalties in what Court recoverable.

XLIII. All fines imposed by this Act may be recovered, if for offences not committed within the local limits of the Town of Calcutta, in the manner prescribed for the recovery of fines by Section LXI of the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed for the recovery of penalties by Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay*) and Act XLVIII of 1860 (*to amend Act XIII of* 1856) or any other Act for regulating the Police of the Town of Calcutta, in force for the time being.

Government of Bengal may extend the operation of this Act to laborers going to other Districts besides Assam, &c.

XLIV. It shall be lawful for the Lieutenant-Governor of Bengal, by Notification in the *Calcutta Gazette*, to declare that this Act shall have effect (subject to any restriction, limitation, or proviso which the Lieutenant-Governor may think proper) as to laborers proceeding to any other District of Bengal besides the Districts of Assam, Cachar, and Sylhet, and thenceforth all the rules and provisions of this Act shall (subject to such restriction limitation, or proviso, if any, as aforesaid) be applicable to the engagement and transport of all laborers proceeding to such other District.

XLV. The following words in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

Interpretation.

The word "Magistrate" in this Act shall mean any Magistrate of Police for the Town of Calcutta, and any Magistrate or other Officer exercising any of the powers of a Magistrate.

"Magistrate."

The word "Contractor" in this Act shall be taken to mean, as well a person who contracts for the supply of laborers to others, as a person who employs Recruiters to engage and supply laborers for the purpose of serving such person himself.

"Contractor."

The word "Laborer" shall include artisans and mechanics.

"Laborer."

The word "Steamer" shall include any vessel propelled by steam, and any flat or barge towed by a steamer.

"Steamer."

The word "India" shall mean any of the territories which are or may become vested in Her Majesty by the Statute 21 and 22, Vic., chap. 106, entitled "An Act for the better Government of India."

"India."

Words importing the singular number, shall include the plural number, and words importing the plural number, shall include the singular number.

Number.

Words importing the masculine gender, shall include the feminine.

Gender.

SCHEDULE A.—*(referred to in Section IV.)*

CONTRACTOR'S LICENSE.

Office of the Superintendent of Labor Transport at

A. B. is hereby licensed to act, within the local limits of my authority, as a Contractor for engaging and supplying persons for

the purpose of laboring for hire in the Districts of Assam, Cachar, and Sylhet,—under Act III of 1863 of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

This license will be in force for one year only from this date.

Dated the day of

(Sd.) C. D.,

Superintendent of Labor Transport.

SCHEDULE B.—(*referred to in Section VIII.*)

RECRUITER'S LICENSE.

Office of the Superintendent of Labor Transport at

A. B. is hereby licensed to act on behalf of E. F. as a Recruiter for engaging or inducing persons to proceed to the Districts of Assam, Cachar, and Sylhet, for the purpose of laboring for hire,—under Act III of 1863 of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

This license will be in force for one year only from this date.

Dated the day of

(Sd.) C. D.

Superintendent of Labor Transport.

ACT No. IV OF 1863.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 24th March 1863, and of the Governor-General on the 13th April 1863.)

An Act to amend Act XXII of 1860 (to remove certain tracts on the eastern border of the Chittagong District from the jurisdiction of the tribunals established under the general Regulations and Acts.)

Preamble.

WHEREAS by Act XXII of 1860 certain tracts on the eastern border of the Chittagong District, described in the Schedule to the said Act, were removed from the jurisdiction of the tribunals established under the general Regulations and Acts; and whereas it is expedient to make certain alterations in respect to the tracts so removed; It is enacted as follows:—

This Act to be read with Act XXII of 1860, the Schedule to which is hereby repealed.

I. The Schedule annexed to Act XXII of 1860 is hereby repealed, except as to any proceedings pending at the time of the passing of this Act: and all the provisions of the said Act, applicable to the tracts described in the said Schedule, shall be applicable to, and shall have effect in, the tracts described in the Schedule to this Act annexed, which shall be read with and taken as part of the said Act XXII of 1860.

SCHEDULE.

The boundary of the tracts referred to in this Act and to which the provisions of Act XXII of 1860 shall be applicable, shall be understood generally to run to the eastward of the surveyed area of the villages situated on the eastern frontier of the Chittagong District, as surveyed and mapped in the course of the revenue

survey of that district, and shall be more particularly taken to be indicated as follows:—

As respects thannah Futtickcherree, all the country lying east of the villages Ramghur, Joozkola, Hapuneah, Fuckeerachung, Kunchunpoor, and Goomareetulla.

As respects thannah Hathezaree, all the country lying east of Mugkatta, Radahmadhebpoor, and other surveyed villages of this thannah, and of a line drawn from the south-eastern boundary to Gogra in faree Rungunneah.

As respects faree Rungunneah, all the country lying to the east of Gogra, Nichintapoor, Kodala, Puddooa, Dood-Pookereah and other surveyed villages of this faree, situated on both sides of the Kurnafooloe River.

As respects thannah Putteah, all the country lying east of the surveyed villages of this thannah, that is to say, lying east of a line drawn from the eastern surveyed boundary of Dood-Pookereah in faree Rungunneah, drawn to the eastern surveyed boundary of the village Doobacherree lying north of the river Sunkoo.

As respects thannah Sutkuneah, all the country lying east of Pooranghur, Burdooara, Andar Manik, Rajbarree, and other surveyed villages of this thannah.

As respects thannah Chuckereah, all the country lying eastward of a line drawn from the village Rajbarree in thannah tulkuneah, to the surveyed villages Boono and Bilcherrie on the Moree River, in thannah Chuckereah, and also all the country lying eastward of the surveyed villages of this thannah between Bilcherrie and Pagulabeel.

As respects thannah Ramoo, all the country lying east of a line drawn from Pagulabeel in thannah Chuckereah, to Edghur, Gurjamah, and Kucheppeah, in thannah Ramoo.

As respects thannah Teknaf, all the country lying east of a line drawn from Kucheppeah, in thannah Ramoo, to Pagulabeel, Rutnapalong, Oalleapalong, and Ookia Ghat, as well as all to the east of the Naaf River.

ACT No. V of 1863.

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 29th April 1863, and of the Governor-General on the 23rd May 1863.)

An Act to amend the law relating to the employment and remuneration of Peons for the service and execution of the process of the Civil and Revenue Courts.

Preamble.

Whereas it is expedient to amend the law relating to the employment and remuneration of Peons for the service and execution of the process of the Civil and Revenue Courts of the Provinces subject to the Government of Bengal; It is enacted as follows:—

Laws repealed.

I. Section XIV of Regulation XXVI, 1814 *(for modifying some of the Rules at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular suits; for limiting and altering some of the existing provisions respecting the pleadings and processes, and the mode of executing decrees and regular suits and appeals; and for explaining and making certain additions to the provisions of Regulation I. 1814)*, Section V of Regulation VII, 1832 *(for modifying certain of the provisions of Regulation V, 1831, and for providing supplementary Rules to that enactment)*, and Act XIV of 1845 *(to provide for the appointment of Nazirs in the Moonsiffs' Courts)*—are hereby repealed, so far as the same relate to, or have effect in, the Provinces subject to the Government of Bengal, respectively.

Price 1 Anna.

Number of Peons for each Court by whom to be fixed.

II. Subject to the general instructions and approval of the Government of Bengal, the Judges of the several Zillah Courts, Collectors' Courts, and Courts of Small Causes, in the said Provinces, shall, as soon as conveniently may be after the passing of this Act, fix the number of Peons necessary to be employed for the service, and execution of processes issued out of such Courts, respectively; and the Judge of every Court subordinate to a Zillah Court or to a Collector shall, subject as aforesaid and to the approval of the Zillah Judge or Collector to whom he is subordinate, fix the number of Peons necessary for the service, and execution of processes issued out of the Court in which he presides; and the number of peons so fixed shall be appointed for such Zillah Courts, Collectors' Courts, Small Cause Courts, and Subordinate Courts, respectively.

Appointment and registration of Peons.

III. The appointment of Peons under the last preceding Section shall be made, subject to the approval of the Judge of the Court, by the Nazir of the Court in which the Peons are employed, or in the case of a Small Cause Court by the Clerk of the Court where there is such an Officer; and every such appointment shall be registered in the Court with the name of the Peon, his age, his place of abode, his father's name, and date of appointment.

None but registered Peons to be employed without special leave of Court.

IV. No person who shall not be appointed and registered as a Peon in the manner hereinbefore provided, shall be employed in the service or execution of the process of any Court without the special leave of such Court. The Court granting such special leave shall record its reasons for so doing.

Peons to be furnished with uniform belt and plate.

V. The Peons who are appointed and registered in the manner above prescribed, shall be furnished, at the expense of the Government of Bengal, with a uniform belt and plate, on which shall be inscribed the Court to which the Peon belongs, and the number of the Peon in the register.

Remuneration of Peons.

VI. The Peons appointed and registered under this Act shall either receive fixed salaries, or be remunerated by fees, as the Government of Bengal

shall dir[illegible] The amount of salary shall be from time to time fixed by t[illegible] said Government.

Rates of serving or executing process.

VII. [illegible] cost of serving or executing the process of the several Courts shall, subject to the approval of the Government of Bengal, be fixed by the Judge and Collector of each District, respectively, with due regard to the distance at which service or execution is to take place from the Court whence the process is issued. A Table in the English and Vernacular languages, shewing the amount chargeable for such service and execution, shall be exposed to view in a conspicuous part of each Court.

Process to be endorsed by Nazir or Clerk.

VIII. On every process issued for service or execution by any Peon appointed under this Act, there shall be endorsed the name of the Peon deputed to serve or execute the same, the period within which the Peon is required to certify service or execution, the amount payable for the service or execution of the process, and the date of payment, and such endorsement shall be signed by the Nazir or Clerk of the Court.

Disposal of money paid for the issue or execution of process.

IX. The money paid under this Act for the service or execution of processes, shall be carried to the credit of the Government of Bengal, and shall be formed into a fund out of which the salaries or fees of the Peons appointed under this Act shall be paid. Any surplus that may accrue from such fund, after paying the salaries or fees of the Peons, shall be disposed of by the Government of Bengal, in such manner as shall to the said Government seem proper.

Moneys received into and paid out of Court, to be duly accounted for.

X. A regular account of all moneys received into and paid out of Court under this Act shall be kept, and extracts from this account shall be forwarded to the Government of Bengal, at such times, and in such form, as such Government shall direct.

Construction of process.

XI. Every process issuing out of a Civil Court, and served or executed under this Act, shall be held to be a process within the meaning of Section 188 of the Code of Civil Procedure, and Section 2 of Act XXIII of 1861.

Interpretation of the term "Judge."

XII. The term "Judge" in this Act shall denote the Presiding Officer in every Court of Civil Judicature, and in every Revenue Court, by whatever title he shall be designated.

THE CALCUTTA MUNICIPAL ACT.

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Repealed by Bengal Act IV of 1876

ACT No. VI of 1863.

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 18th May 1863, and of the Governor-General on the 12th June 1863.)

An Act to vest the property of the Town of Calcutta, and the management of its Municipal affairs, in a Corporation, and to make better provision for the Conservancy and Improvement of the Town, and for the levying of rates and taxes therein.

Preamble.

Whereas it is expedient to vest the property of the Town of Calcutta, and the management of its Municipal affairs, in a Corporation, and to make better provision for the Conservancy and Improvement of the Town, and for the levying of rates and taxes therein: It is enacted as follows:

Laws repealed.

I. Act XIV of 1856 (*for the Conservancy and Improvement of the Towns of Calcutta, Madras, and Bombay*) and Act XXV of 1856 (*to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes, in the Towns of Calcutta, Madras, and Bombay*), so far as they relate to the Town of Calcutta; and Act XXVIII of 1856 (*for appointing Municipal Commissioners, and for levying rates and taxes in the Town of Calcutta*)—are hereby repealed respectively, except so far as they repeal the whole, or any part of, any other Act, and except as to any assessment which shall have been made, or to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred, or to any money which shall have become due, or to any

proceedings which shall have been commenced before this Act shall come into operation. Any sum of money due, or which may become due, under any or either of the said Acts, may be levied and recovered by the Justices under the provisions of this Act.

Interpretation.

II. The following words and expressions in this Act shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction :—

"Town."

The word "Town" shall include all places within the local limits of the ordinary original civil jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal.

"The Justices."

The expression "The Justices" shall mean the Corporation of "The Justices of the Peace for the Town of Calcutta."

"Street."

The word "Street" shall mean any road, street, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway, within the Town.

"Land."

The word "Land" shall include messuages, buildings, tenements, and hereditaments of any tenure.

"Month."

The word "Month" shall mean calendar month.

"Oath."

The word "Oath" shall include any affirmation or declaration lawfully substituted for an oath.

"Owner."

The word "Owner" shall mean the person for the time being receiving the rent of the land or premises in connection with which the word is used, whether on his own account, or as agent, or trustee, for any other person, or who would so receive the same if such land or premises were let to a tenant. Provided that no person receiving the rent of land or premises as agent for another person, shall be liable to do anything by this Act required to be done by the owner of such land or premises, unless he have sufficient funds of the owner to pay for the same; nor shall he be subject to any penalty for omitting to

do such act, if he can prove that the default was occasioned by reason of his not having funds of the owner sufficient to defray the expense of doing the act required.

"Person."

The word "Person" shall include any association or body of persons, whether incorporated or not

Number.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender.

Words importing the masculine gender shall include the feminine.

The Establishment of a Corporation by the name of "The Justices of the Peace for the Town of Calcutta," and the constitution of a Municipal Fund.

The Justices of the Peace for the time being in Calcutta, to be a Corporation for the purposes of this Act

III. All Justices of the Peace for Bengal, Behar, and Orissa, resident in the Town of Calcutta, and all Justices of the Peace for the Town of Calcutta, shall, by the name of "The Justices of the Peace for the Town of Calcutta," be a body corporate and have perpetual succession and a common seal, and by such name shall sue and be sued.

All the property and rights of action of the Municipal Commissioners, vested in the Justices.

IV. All lands, buildings, works, and hereditaments, utensils, materials, books, plans, maps, papers, effects, monies, securities, and other property, moveable and immoveable, of what nature or kind soever, and all interest therein, whether vested, contingent, or in remainder, which shall, on the 1st day of July 1863, be vested in, or held in trust for, the Municipal Commissioners appointed under the said Act XXVIII of 1856, or which would have been vested in, or held in trust for, such Municipal Commissioners but for the passing of this Act, and all such estate and interest of and in the same respectively as shall then be or would have been in, or in trust for, the said Municipal Commissioners or any of them, with all rights of way and other rights and easements now used and enjoyed

by the said Municipal Commissioners, shall, on and from the date when this Act comes into operation, be vested in the Justices, and all persons who shall then owe any money to the said Municipal Commissioners, or to any person on behalf of the Municipal Commissioners, shall pay the same to the Justices or as they shall direct: and all monies which shall be then due and owing by, or recoverable from, the Municipal Commissioners, shall be paid by, or recoverable from the Justices: and all contracts, agreements, mortgages, bonds, covenants, and securities, made or entered into before this Act comes into operation, to, with, or in favor of, or by or for, the said Municipal Commissioners, or any previous Municipal Commissioners for the Town of Calcutta, or any of them, or any person on behalf of such Municipal Commissioners respectively, and all rights of action and suit arising out of contract or otherwise, shall take effect, and may be proceeded on and enforced, as near as circumstances will admit, in favor of, by, against, and with reference to, the Justices in such manner as the same would have taken effect, and might have been proceeded on and enforced, in favor of, by, against, and with reference to, the said Municipal Commissioners respectively, or any of them, if this Act had not been passed.

Actions, &c., by or against Municipal Commissioners not to abate, &c.

V. No action, suit, prosecution, or other proceeding whatsoever, commenced or carried on either by or against the said Municipal Commissioners previously to the coming of this Act into operation, shall abate or be discontinued or prejudicially affected by this Act, but shall continue and take effect, both in favor of and against the Justices, in the same manner in all respects as the same would have continued and taken effect in relation to the said Municipal Commissioners, or any of them, if this Act had not been passed: and all decrees and orders made, and all fines and penalties imposed and incurred, respectively previously to the coming into operation of this Act, shall and may be enforced, levied, recovered, and proceeded for, and all administrative proceedings, commenced previously to the coming into operation of this Act, shall and may be continued, proceeded with, and completed, in such or the like manner as if this Act had not been passed

the Justices being, in reference to the matters aforesaid, in all respects substituted in the place of the said Municipal Commissioners.

What shall constitute the Municipal Fund.

VI. All monies received by the Justices by virtue of this or any other Act, all fines, fees, and penalties, paid to or levied by them, under this Act, and all monies which may be assigned by Government for purposes of Conservancy or Improvement in the Town, shall constitute a fund, which shall be called the Municipal Fund of Calcutta, and shall, together with all property of what nature or kind soever which may become vested in the Justices, be under the direction, management, and control of the Justices, in the manner hereinafter provided, and shall be held and applied by them as Trustees for the purposes of this Act.

Officers of the Corporation.

Appointment and removal of Chairman of the Justices.

VII. The Lieutenant-Governor of Bengal shall, from time to time, appoint one of the said Justices of the Peace to be Chairman of the Justices. Such Chairman shall be removeable from Office by the Lieutenant-Governor, if his removal be recommended by a Resolution in favor of which not less than two-thirds of the Justices of the Peace present at a Special General Meeting of the Justices shall have voted, but not otherwise.

Nomination and appointment of Vice-Chairman.

VIII. The Justices at a Special General Meeting, to be held within fifteen days from the date of the first appointment of a Chairman, shall nominate a proper person to be Vice-Chairman of the Justices. Such nomination shall be subject to the approval of the Lieutenant-Governor of Bengal; but when such approval shall have been duly notified to the Justices, the appointment shall be made by them. In the event of any nomination made by the Justices not being approved of by the Lieutenant-Governor, or of any vacancy occurring in the Office of Vice-Chairman, the Justices shall forthwith proceed, at a Special General Meeting, to make a

fresh nomination and appointment, subject to the approval of the Lieutenant-Governor of Bengal, and so on from time to time. Provided that no person shall be appointed to the Office of Vice-Chairman who is not at the time of appointment a Justice of the Peace.

Appointment of Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes, and Assessor.

IX. It shall be lawful for the Justices at a Special General Meeting, from time to time, to appoint proper persons to the several offices of Secretary, of Engineer, of Surveyor, of Health Officer, of Collector of Taxes, and of Assessor, for the Town of Calcutta. Every person so appointed, and the Vice-Chairman, shall be in all things under the immediate orders of the Chairman, and shall perform such duties as shall be assigned by him, and shall be removeable by the Justices by a Resolution in favor of which not less than two-thirds of the Justices of the Peace present at a Special General Meeting shall have voted.

Chairman and Vice-Chairman to reside in Calcutta and not to engage in any other profession or trade.

Proviso.

X. The Chairman and Vice Chairman shall respectively reside within the Town of Calcutta, and shall devote his whole time to the duties of his office; and no Chairman or Vice-Chairman shall have or engage in any other profession, trade, or business whatsoever: Provided that nothing in this Act shall be deemed to prevent any Civil or Military Officer in the service of Government from holding the office of Chairman or Vice-Chairman, so long as such Officer shall fill no other appointment: Provided further that it shall be lawful for any Chairman to hold also the office of Commissioner of Police for the Town of Calcutta, if he shall be appointed to such office by the Lieutenant-Governor of Bengal.

Allowances of Chairman and Vice-Chairman.

XI. The Chairman and the Vice-Chairman, respectively, may receive such allowances out of the Municipal Fund as shall be from time to time fixed by the Justices at a Special General Meeting: Provided that such allowance for any Chairman shall not exceed

the rate of three thousand Rupees a month (exclusive of house rent, which may or may not, at the discretion of the Justices, be also allowed): and provided that such allowance for any Vice-Chairman shall not exceed the rate of twelve hundred Rupees a month.

Salaries of Secretary, Engineer, &c.

XII. Every Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes, and Assessor, appointed as hereinbefore provided, may receive such allowance out of the Municipal Fund as shall be from time to time fixed by the Justices at a Special General Meeting.

Appointment and remuneration of Overseers, Clerks, and Subordinate Officers.

XIII. The Chairman may from time to time appoint all such Overseers Clerks, and Subordinate Officers and servants as he shall think necessary and proper to assist in the execution of this Act, and may from time to time remove any of such persons and appoint others in their place; and out of the Municipal Fund he may, with the sanction of the Justices at a Special General Meeting, pay such allowances to the said persons respectively, or in case of absence on leave such portion thereof, as he shall think reasonable. Provided that no person shall be appointed to, or removed from any office the monthly salary of which exceeds two hundred Rupees, without the sanction of the Justices at a Meeting.

Proviso.

Officers under Municipal Commissioners to continue until removed.

XIV. Every Overseer, Clerk, and other Officer appointed by, or acting under the authority of, the Municipal Commissioners under Act XXVIII of 1856, and not acting contrary to the provisions of this Act, shall hold and enjoy his office and employment, together with the salary or emolument thereunto annexed, until he shall be removed therefrom by the Chairman or by the Justices at a Meeting. Every such Overseer, Clerk, and Officer shall have the like power and authority for the purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like pains and penalties, and to the like power of removal, in all respects as if he had been appointed by virtue of this Act.

XV. It shall be lawful for the Justices at a Special Meeting, with the sanction of the Lieutenant-Governor of Bengal, to grant such leave of absence to any Chairman or any Officer appointed under Sections VIII and IX of this Act, and, in the case of any Officer appointed under either of those Sections, to make such arrangements for the carrying on the duties of his office during his absence on leave, as shall to them seem proper. In any case in which leave of absence shall be granted to the Chairman, the Lieutenant-Governor of Bengal shall appoint one of the Justices of the Peace to act as Chairman in his place, or shall make such other arrangements for carrying on the duties of the office, as shall to him seem proper. Any person appointed under this Section to act for the Chairman or any other Officer, shall, while so acting, have all the powers and be liable to all the restrictions, limitations, and provisions, which the Chairman or other Officer for whom he may be appointed to act would, under this Act, have or be liable to.

Justices to grant leave of absence, &c., with sanction of Government.

XVI. In any case in which leave of absence shall be granted under the last preceding Section, the Justices may at a Special Meeting, with the sanction of the Lieutenant-Governor of Bengal, out of the Municipal Fund, pay to any Chairman or other Officer aforesaid such allowance during absence on leave as shall to them seem proper. Provided that no greater expenditure from the Municipal Fund shall be in any case incurred in the whole, by reason of any such allowance or of any allowance paid under Section XIII, than would have been incurred had no leave been granted.

Allowances during absence on leave.

Proviso.

XVII. *Clause* 1.—No Chairman or Vice-Chairman, or other Officer, or servant, of the Justices, shall be in any wise concerned or interested in any contract or work made with, or executed for, the Justices; and if any such Chairman or Vice-Chairman, or other Officer, or servant, be so concerned or interested, he shall be incapable of afterwards holding or continuing in any office or employ-

Penalty on Officers, &c., being interested in contracts, &c.

ment under the Justices, and shall forfeit and pay the sum of five hundred Rupees, which may be recovered by suit, by any person, with full costs of suit. Provided that no person, being a shareholder of any Joint Stock Company established by, or under the provisions of, any Act of Parliament, or of the Government of India, or by Charter, shall be prevented from being employed as a Chairman, Vice-Chairman, or other Officer, or servant, by reason of any contract between such Company and the Justices, or of any work executed by such Company.

Penalty on Officers, &c., taking unauthorized fees.

Clause 2 —If any person employed under this Act, not being a public servant within the meaning of Section 21 of the Indian Penal Code, shall accept or obtain, or agree to accept, or attempt to obtain, from any person, for himself, or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor, to any person, or for rendering or attempting to render any service or disservice to any person, with the Justices, or with any public servant, or with the Government, as such, he shall be punished with imprisonment, either simple or rigorous, for a term which may extend to three years, or with a fine not exceeding five thousand Rupees, or with both.

Mode of transacting Business by and on behalf of the Corporation and of entering into Contracts.

Justices to provide an Office, and keep a book for entry of complaints.

XVIII. The Justices shall provide and keep an Office within the Town, and shall at such Office, and during all days of business, keep open a book in which shall be entered all reasonable complaints, made, orally or by letter, by any inhabitant or the owner or occupier of any house, building, or land within the Town, of any matter cognizable by the Justices; and the proper Officer of the Justices shall forthwith enquire into the truth of all such complaints, and report thereon to the Justices; and such report shall

be entered in the said book; and such book shall be open, at all reasonable times, to any inhabitant or owner or occupier of land within the limits of the Town

Time for holding Quarterly and Ordinary Meetings

XIX. There shall be four Quarterly Meetings in every year, and two Ordinary Meetings in every month, at which the Justices shall meet for the transaction of general business; and it shall not be necessary to give any notice of the business to be transacted at such Meetings. The Quarterly Meetings shall be held at noon, on the first Monday in the months of January, April, July, and October, and the Ordinary Meetings at noon, on the first and third Monday of every month respectively, or if any such Monday shall happen to be a holiday allowed by Government, then on the next succeeding day which shall not be such a holiday.

Special, and Special General, Meetings may be called.

XX. The Chairman, or, in his absence, the Vice-Chairman, may whenever he thinks fit, and shall upon a requisition made in writing by any ten Justices of the Peace, call a Special, or Special General, Meeting of the Justices. Previous to any such Meeting being held, at least seven days' clear notice, specifying the time and place of such intended Meeting, and the purpose for which it is to be held, shall be given by advertisement in the English and Bengalee Government Gazettes, and in at least two of the daily English Newspapers, and in two Vernacular Newspapers, published in Calcutta.

What business to be transacted at Special, and Special General, Meetings.

XXI. No business shall be brought before or transacted at any Special, or Special General, Meeting, other than the business specified in the notice given under the last preceding Section: Provided always that any Justice of the Peace may submit to a Special, or Special General, Meeting, any Resolution, beyond the matters mentioned in the notice given of such Meeting, if he shall have given not less than three days' previous notice of his intention so to do, by leaving a copy of the Resolution at the Office of the Justices.

All questions to be decided at Meetings by majority of votes.

XXII. All acts authorized or required to be done by the Justices, and all questions which may come before them for decision, shall, save as is herein otherwise provided, be done, and decided by, a majority of the Justices of the Peace present at any Ordinary or Quarterly Meeting, before which the matter may be brought.

Who to preside at Meetings of the Justices.

XXIII. The Chairman and Vice-Chairman shall attend all Meetings of the Justices held under this Act, unless prevented by sickness or other reasonable cause; and the Chairman, or, in his absence, the Vice-Chairman, shall preside at every such Meeting, and shall have a second, or casting, vote in all cases of equality of votes. In the absence of both the Chairman and Vice-Chairman, the Justices of the Peace present at any Meeting shall choose some one of their number to preside. The President of any Meeting at which a quorum of the Justices of the Peace shall be present, may, with the consent of the Meeting, adjourn the Meeting from time to time and from place to place; but no business shall be transacted at any adjourned Meeting, other than the business left unfinished at the Meeting from which such adjournment took place.

What shall constitute a quorum.

XXIV. No business shall be transacted at any Meeting unless a quorum of Justices of the Peace be present; that is to say, at an Ordinary Meeting unless at least three Justices of the Peace be present, at a Special Meeting unless at least seven Justices of the Peace be present, and at a Special General, or Quarterly, Meeting, unless at least twenty-five Justices of the Peace be present: Provided always that, if at any Meeting of the Justices there shall not be a sufficient number of Justices of the Peace present to form a quorum, the President (whether he be the Chairman, or not) shall adjourn the Meeting to such convenient time and place as he shall think fit; and the business which would have been brought before the original Meeting had there been a quorum present, shall be brought before, and disposed of by, the adjourned Meeting in the usual manner, whether there be a quorum of Justices of the Peace present at such adjourned Meeting, or not.

XXV. Minutes of the Proceedings of all Meetings of the Justices shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each Meeting; and the said Minutes shall, at all reasonable times, be open at the Office of the Justices to the inspection of any Justice of the Peace without charge, and of any other person on payment of a fee of eight annas.

Minutes of Proceedings of Justices to be kept, and to be open for inspection.

XXVI. At any Special General, or Quarterly, Meeting unless a poll be demanded by at least five Justices of the Peace, and at any Special, or Ordinary, Meeting, unless a poll be demanded by at least three Justices of the Peace, a declaration by the President that a Resolution has been carried, and an entry to that effect in the Book of Proceedings of the Justices, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of, or against, such Resolution.

Declaration of President that a Resolution has been carried sufficient, unless poll be demanded.

XXVII. If a poll be demanded as in the last preceding Section mentioned, or be taken at any Meeting of what kind soever, the votes of the Justices of the Peace present shall be taken by the President, each being called on to vote in order of seniority on the roll of the Justices of the Peace, and the result of such poll shall be deemed to be the Resolution of the Justices at such Meeting.

Poll how to be taken.

XXVIII. The Chairman or Vice-Chairman shall, except upon such holidays as shall be allowed by Government, attend daily at the Office of the Justices for the transaction of business connected with or arising under this Act, and when so attending, shall have all the powers vested by this Act in the Justices; and they may, respectively, exercise the like powers at all times in carrying out the orders of the Justices, or in executing any works sanctioned by them, and generally in the management of the business aforesaid. Provided that it shall not be lawful for the Chairman or Vice-Chairman to act in opposition to, or contravention of, any order of the Justices,

Chairman or Vice-Chairman to attend daily for the transaction of business, and to exercise the powers of the Justices.

or to exercise any power which it is by this Act expressly declared shall be exercised only by the Justices at a Meeting.

Mode of contracting by, and on behalf of, the Justices.

XXIX. The Justices may enter into all such contracts as may be necessary for carrying this Act into execution. The Chairman or the Vice-Chairman may, for and on behalf on the Justices, enter into any such contract whereof the value or amount shall not exceed five hundred Rupees: but every such contract, whereof the value or amount shall exceed five hundred Rupees, shall be in writing and signed by the Chairman, or in his absence by the Vice-Chairman, and two other Justices of the Peace, and shall be sealed with the seal of the Justices. Every contract so entered into as aforesaid, and duly executed by the other parties thereto, shall be binding on the Justices and their successors, and upon all other parties thereto, and their executors, administrators, successors, or assigns, to all intents and purposes. Provided always that the Justices may compound with any contractor or other person in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract or in any bond, or otherwise, for such sums of money or other recompense as to the Justices may seem proper.

Proviso.

Justices may appoint Committees.

XXX. It shall be lawful for the Justices at a Meeting, from time to time, to appoint from among the Justices of the Peace, such and so many Committees, either of a General, or of a Special, nature, and consisting of such number of persons, as they may think fit, for the purpose of inquiring into, and reporting upon, any matter connected with the Conservancy or Improvement of the Town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties, which in the discretion of the Justices would be better regulated or managed with the advice and aid of any such Commitee: Provided that the Chairman or the Vice-Chairman shall be a Member of every such Committee, and that the Proceedings of

Proviso.

every such Committee shall be submitted to the Justices at a Meeting.

Estimates of Income and Expenditure, and Audit.

A Budget or Estimate of Income and Expenditure to be submitted annually to the Justices.

XXXI. At a Special General Meeting to be held under this Act on the second Monday in the month of July 1863, or as soon after as conveniently may be, the Chairman shall lay before the Justices a Budget or Estimate, prepared by him, of the expenditure and income of the Municipality from the date on which this Act shall come into operation up to the first subsequent day of January: and at the Quarterly Meeting to be held in the month of October in each year, the Chairman shall lay before the Justices a Budget or Estimate, prepared by him of the expenditure and income of the Municipality for the year commencing on the 1st of January then next succeeding, in such detail and form as the Justices shall from time to time, by order passed at a Quarterly, or Special General, Meeting, direct. Provided always that such Budget shall be completed and printed, and a copy thereof sent by post or otherwise to each of the Justices of the Peace, resident within twenty miles of Government House, at least seven days prior to the Meeting before which the Budget is to be laid.

Budget of expenditure

XXXII. The Budget shall shew what expenditure it is proposed to incur during the period to which it relates, and the manner in which it is proposed to meet such expenditure.

Revision and passing of estimates.

No new work, the estimated cost of which exceeds 50,000 Rupees, to be commenced without the sanction of Government

XXXIII. It shall be in the discretion of the Justices to pass, or to reject, or to modify, the estimates of all or any sums entered in the Budget. No new work or series of works, the entire estimated cost of which as shewn in the Budget shall exceed fifty thousand Rupees, shall be commenced without the sanction of the Lieutenant-Governor having been previously obtained

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XXXIV. The accounts of the receipts and expenditure of the Justices shall be audited and examined once in every year, at the least, at such time and by such Auditors as shall from time to time be appointed by the Lieutenant-Governor of Bengal. For the purposes of any audit and examination of accounts under this Act, the Auditors may, by summons in writing, require the production before them of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same: and if any such person neglect or refuse so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a penalty not exceeding one hundred Rupees. All Auditors acting under this Act shall, in respect of each audit, be paid out of the Municipal Fund such reasonable remuneration as the Lieutenant-Governor of Bengal shall from time to time determine: Provided always that, before each audit and examination of accounts under this Act, the Chairman shall give ten days' notice of the time and place at which the same will be made, by advertisement in the English and Bengalee Government Gazettes, and in at least two of the daily English Newspapers, and in two Vernacular Newspapers, published in Calcutta; and a copy of the accounts to be audited and examined shall be deposited in the Office of the Justices, and be open during office hours thereat, to the inspection of all persons interested, for seven days before the audit and examination, and all such persons shall be at liberty to take copies of, or extracts from, the same, without the payment of any fee; and within fourteen days after the audit and examination shall have been completed, the Auditors shall report upon the accounts audited and examined, and shall deliver such report to the Justices at a meeting, who shall cause the same to be deposited in the Office of the Justices, and to be published in the Calcutta Gazette and in some one or more of the said Newspapers.

Accounts to be audited and examined.

Proviso.

Rates and Taxes leviable under the Act.

All rates to become due under the last assessment and payable to the Justices.

XXXV. Whereas the assessments last made under the said Acts XXV and XXVIII of 1856, include the months of July, August, September, October, November, and December 1863, and power is given by this Act to impose and levy rates upon the owners and occupiers of the same houses, buildings, and lands, which were subject before the passing of this Act to the said assessments, for a period including the same months, it is hereby enacted that any sum of money, which would have become due from any owner or occupier in respect of the said assessments for the several months aforesaid, may be levied and recovered by the Justices in like manner as the same might have been levied and recovered if this Act had not been passed, unless the Justices shall impose and levy any other rate under the provisions of this Act.

Mode of fixing the rate at which taxes shall be levied under this Act.

XXXVI. At the Special General Meeting to be held on the second Monday in the month of July 1863 as aforesaid, or as soon after as conveniently may be, the Justices shall fix the rates at which such taxes as are leviable under this Act shall be levied, from the date on which this Act shall come into operation, till the first day of January next ensuing; and at the Quarterly Meeting to be held in the month of October in each year, the Justices shall fix the rates at which such taxes as are leviable under this Act, shall be levied for the year commencing on the first day of January then next ensuing. The rates so fixed shall not be altered before the Quarterly Meeting held in the next succeeding month of October, except by a Resolution passed by the Justices at a Special General Meeting.

Such rate not to be altered, except at a Special General Meeting.

License Tax on the owners of Horses, Carriages, Ponies, and Mules.

Tax on carriages, horses, &c.

XXXVII. A tax, at a rate not exceeding the rates specified in the Schedule (A) to this Act annexed, shall be imposed upon all carriages, horses, ponies, and mules, kept within the Town, and shall

be payable in advance. Provided that this Section shall not apply to, or include,—Gun carriages, or Ordnance carts or wagons: Cavalry horses, or horses of the Mounted Police: Horses belonging to Officers doing Regimental duty at the Presidency, at the rate of one horse for each Officer: vehicles, horses, ponies, or mules belonging to the Government, or to the Justices: vehicles kept for sale, and not used for any other purpose, if kept by *bonâ fide* dealers in such vehicles.

Owners of carriages, &c., to take out license.

XXXVIII. The owner of every carriage, horse, pony, or mule, kept within the Town, shall, before the 1st day of October 1863, and shall, on or before the 1st day of January and the first day of July in each year, forward to the Office of the Justices a statement in writing signed by him, containing a description of the vehicles and animals liable to the tax, for which he desires to take out a license. The owner shall at the same time pay to the Justices such sum as shall be payable by him, for the half-year commencing on the first day of July 1863, or on such subsequent first day of January or of July (as the case may be), for the vehicles and animals specified in such statement, according to the rates given in the said Schedule. Any person becoming possessed, between the first day of January and the first day of July, or between the first day of July and the first day of January, of a carriage, horse, pony, or mule so kept, shall, within a week of becoming so possessed, send to the Office of the Justices a similar statement, together with the full amount payable for the then current half-year according to the said Schedule, unless he shall be able to prove, to the satisfaction of the Justices, that the tax for the half-year has previously been paid.

On payment of the tax, the Justices to give a license.

XXXIX. On receiving the amount of the tax as aforesaid, the Justices, or some person duly authorized by them in that behalf, shall give to the person paying the same a license for each of the vehicles and animals for the period in respect of which the money is received. The owner of every carriage, horse, pony, or mule, who shall have received a license for the same, shall, at all reasonable times during the said period, be bound to produce such license.

when called upon to do so by the Justices, or any person duly authorized in writing by them to demand its production.

Penalty for keeping a carriage, &c., without having a license.

XL. If the owner of any carriage, horse, pony, or mule, so kept as aforesaid, shall not have duly taken out a license under the last preceding Section, he shall, on conviction before a Justice of the Peace, be liable to a fine not exceeding three times the amount of the tax which would have been payable by such person, supposing him to have duly paid the same as soon as it became due. Provided that no proceeding shall be taken, before the first day of October 1863, to enforce such penalty against any person who shall not have duly taken out such license for the half-year commencing on the first day of July in the year aforesaid.

Proviso.

Justices may compound for carriages with livery stablekeepers and others.

XLI. The Justices, at their discretion, may compound, for any period not exceeding one year, with livery stablekeepers, and other persons keeping carriages for hire, for a certain sum to be paid for the carriages so kept by such persons, in lieu of the taxes specified in the Schedule (A). And if any person, having so compounded, shall refuse to pay the sum compounded for on the demand of the Justices, he shall, on conviction before a Justice of the Peace, be liable to a fine not exceeding three times the amount so payable.

List of persons licensed under Section XXXIX, to be entered in a book.

XLII. The Justices shall, from time to time, cause to be prepared and entered in distinct columns, in a book to be kept at the Office of the Justices and to be open to the inspection of any person who shall apply for leave to inspect the same, a list of the persons who during the then current period of six months shall have received a license under Section XXXIX of this Act, and of the vehicles and animals in respect of which they may have paid.

Power to inspect stable, &c., and to summon persons liable to the payment of the tax.

XLIII. It shall be lawful for the Justices, or any person or persons appointed by them for that purpose, at any time between sunrise and sunset, to enter and inspect any stable or coach-house, or any place wherein they may have reason

to believe that there is any vehicle or animal liable to taxation under Section XXXVII of this Act, for which a license has not been duly taken out; and the Justices may summon any person, whom they have reason to believe to be liable to the payment of any tax under the last mentioned Section, or any servant of such person, and may examine such person or servant as to the number and description of the horses and carriages in respect of which such person is liable to be taxed. Whoever being so summoned shall, without lawful excuse, fail to appear in pursuance of the summons, and whoever hinders or obstructs the Justices or any person appointed by them as aforesaid, from or in entering or inspecting any such stable, coach-house or place, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding one hundred Rupees.

Registration of Carts, Hackeries, and other wheeled vehicles without springs.

Registry and numbering of hackeries, &c.

XLIV. Every cart, hackery, and other wheeled vehicle without springs kept and used within the Town, and every cart, hackery, and other such vehicle plying for hire within the Town, or let for hire within or without the Town and used within it, shall be registered in the Office of the Justices with the name and residence of the owner, and shall bear the number of such registration in such manner as the Justices shall direct. Provided that this Section shall not apply to, or include, carts, hackeries, or other such vehicles as aforesaid, kept at any place more than eight miles distant from Government House, and used only temporarily and casually in the Town; or to carts, hackeries, or other wheeled vehicles without springs, the property of Government; or to Conservancy carts, hackeries, or other such vehicles belonging to the Justices.

Fee for registration.

XLV. The registration of carts, hackeries, and other vehicles under the last preceding Section, shall be made and the numbers assigned half-yearly, on or before the first day of January and the first day of July, in each year, upon such days as the Justices shall appoint, and a fee

of four Rupees shall be paid for each registration. Any person becoming possessed, between the first day of January and the first day of July, or between the first day of July and the first day of January, of any such cart, hackery, or other vehicle, which has not been registered for the then current half-year, shall within a week of becoming so possessed, register the same, and the Justices shall grant registration in any such case, on payment of a fee for the unexpired portion of the current half-year, calculated at the rate of four Rupees aforesaid. When any registered cart, hackery, or other vehicle is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred; and a fee of four annas shall be paid for every such last mentioned registration.

Penalty for not registering a cart or hackery.

XLVI. Whoever owns or keeps any cart, hackery, or other wheeled vehicle not on springs, required by this Act to be registered, without having caused the same to be registered under the last preceding Section, shall, on and after the first day of October 1863, be liable, on conviction before a Justice of the Peace, to a fine not exceeding three times the usual registration fee: and the Justices, or any Officer duly authorized by them, may seize or cause to be seized any such cart, hackery, or other vehicle, (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods,) together with the horses, bullocks, or other animals drawing the same, and may detain them: and all Police Officers are hereby required, on the application of the Justices or their Officers as aforesaid, to seize and detain the same. If the person owning or keeping such cart, hackery, or other vehicle shall be convicted before a Justice of the Peace under this Section, and ordered to pay a fine, and if the vehicle seized be not claimed, and the fine be not paid, within ten days, such vehicle, together with the animals seized with it (if any), may be sold by auction by order of a Justice of the Peace, and the proceeds applied to the payment of the fine, and to the costs and charges incurred on account of the seizure, detention, and sale; and the surplus (if any), if not claimed by the owner or the person

keeping such cart, hackery, or other vehicle within a further period of twenty days, shall be paid to the Justices.

License Tax on Professions, Trades, and Callings.

Persons exercising certain professions, trades, and callings in the town, to take out a license.

XLVII. On and after the first day of July 1863, every person who shall within the Town exercise any of the professions, trades, or callings specified in schedule (B) to this Act annexed, shall take out a license, and shall pay for the same such annual sum as is in the said Schedule (B) mentioned: provided that for any such license which shall be granted before the first day of January 1864, there shall be paid only one half of the said annual sum.

License to be granted by Justices, and to specify particulars.

XLVIII. Every license under Section XLVII shall be granted by the Justices or by some person duly authorized by them in that behalf, and shall specify the date of the grant thereof, the true name of the person to whom the license is granted, and the sum paid for such license.

License to be in force how long.

XLIX. Every license shall have effect and continue in force from the day of the date thereof until the day hereinafter appointed for the expiration thereof; and every such license which shall be granted before the 1st day of January 1864 shall expire on that day, and every such license which shall be granted upon or at any time after that day, shall expire on the 31st day of December next after the day of the granting thereof.

Licenses to be renewed on expiring.

L. Every person to whom any such license shall be granted, and who shall be desirous of continuing to exercise his profession, trade, or calling after the expiration thereof, shall take out a fresh license for that purpose for the following year, to expire on the day appointed in the last preceding Section, and shall renew the same from year to year, so long as he shall desire to continue such profession, trade, or calling.

LI. The Chairman shall determine under which of the classes mentioned in the Schedule (B) to this Act annexed, every person to whom a license may be granted shall be assessed. The Justices at a Meeting shall from time to time declare what are to be considered Bazars, Hauts, or Public Markets, within the meaning of this Act.

Chairman to classify all persons required by this Act to be licensed.

LII. As soon as may be after the first day of January in every year, the Chairman shall prepare a list of the persons licensed under this Act, which list shall state the profession, trade, or calling of each of the persons therein named, the class under which he is assessed, and the sum paid by him in respect of his license, and such list shall be filed in the Office of the said Chairman, and be open to public inspection at all reasonable times.

Chairman to prepare a list of all persons required by this Act to be licensed.

LIII. If, after the first day of October 1863, any person within the said limits shall exercise his profession, trade, or calling without having duly taken out a license as required by Section XLVII, he shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding three times the amount which, in the judgment of such Justice of the Peace, would have been payable by such person in respect of a license duly taken out as aforesaid.

Penalty for not taking out a license.

LIV. Any person required by Section XLVII to take out a license, who shall, without reasonable excuse, neglect or refuse to produce and show his license, when required so to do by an Officer duly empowered in writing by the Chairman to make such requisition, shall, on conviction before a Justice of the Peace, be liable to a penalty not exceeding one hundred Rupees.

Penalty for not producing license when called on to do so by an Officer of the Justices, &c.

Rates to be levied on Houses, Buildings, and Lands, including Lighting and Water Rates.

LV. An annual rate, not exceeding ten per centum of their annual value, may be imposed by the Justices upon all houses, buildings, and lands, in the Town, and shall be assessed in the manner

Rate on all houses, buildings, and lands in the Town.

hereinafter described: Provided that it shall be at the option of the Justices, in lieu of such rate, to levy upon any lands unappropriated to any building or premises, or upon any native huts with their appurtenances, a fixed annual rate not exceeding four Rupees for every cottah occupied by them, respectively. Any rate levied under this Section shall be payable by the owners of the said houses, buildings, lands, and huts, respectively, by quarterly instalments.

Proviso.

LVI. Houses, buildings, and lands situate in Fort William, on the esplanade of the Fort, and in Cooly Bazar, and buildings used exclusively as places of public worship, shall not be liable to any rate under the last preceding Section.

Exemption of Fort William and of buildings on its esplanade, and buildings used for public worship.

LVII. If the annual value or fixed rate referred to in Section LV, shall in any case exceed the amount of rent payable by the lessee or tenant to the owner, the owner may in such case recover from the lessee or tenant the difference between the sum assessed upon him and the sum at which he would have been assessed had he been rated only upon the amount of rent actually payable to him, and such difference shall be added to the rent payable by such lessee or tenant, and shall be recoverable by the owner from him, by such means and in like manner in all respects as such rent is recoverable.

If assesment be made at a higher annual value than the amount paid by the tenant, owner may recover difference from him.

LVIII. When any house shall have been vacant for sixty consecutive days during any year, the Justices shall remit so much, not exceeding one-half, of the rate for that year, as may be proportionate to the number of days the said house may have remained unoccupied. Provided that the owner of such house, or his agent, shall have given to the Justices notice in writing of the vacancy thereof, and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

Remission on account of vacant houses.

LIX. To provide for the lighting of the public streets of the Town, an annual Lighting-rate, not exceeding two per centum of their annual value, may

Lighting-rate

be imposed by the Justices upon all houses, buildings, and lands in the Town, and shall be assessed in the manner hereinafter described. Provided that it shall be at the option of the Justices, in lieu of such rate, to levy upon any lands, unappropriated to any building or premises, or upon any native huts with their appurtenances, a fixed annual rate, not exceeding twelve annas and ten pies, for every cottah occupied by such last mentioned lands, or huts with their appurtenances. Any rate levied under this Section, or under Section LXI, shall be payable by the occupiers of the said houses, buildings, lands, and huts respectively, by quarterly instalments.

Proviso.

LX. The Justices shall cause the public streets of the Town to be sufficiently lighted: and the sum applicable annually to the current expenses of lighting the said streets, shall be the gross proceeds of the said Lighting-rate and no more; but the Justices may expend, out of the Municipal Fund, such further sums as may from time to time be requisite for the purchase, setting up, and maintaining of lamps, lamp-posts, pipes, and other necessary apparatus.

Gross proceeds of Lighting-rate to be applied for purposes of lighting.

Proviso.

LXI. The Justices shall carry out a complete system for the supply of water within the Town, and shall for that purpose cause such pipes to be laid, and such tanks, reservoirs, and other works to be made and constructed, as shall be necessary. Such supply shall be deemed, for the purposes of this Act, to be complete within the Town, or within any division or portion thereof, so soon as the Justices shall have, with the sanction of the Lieutenant-Governor of Bengal, declared, by notification published in the Government Gazette, that the supply is complete within the Town, or within any such division or portion thereof. So soon as the supply shall be complete within the Town, or within any division or portion thereof, it shall be lawful for the Justices to impose an annual water-rate, not exceeding two per centum of their annual value, upon all houses and buildings within the Town, or within the division or portion (as the case may

Water-rate.

be) within which the supply of water is complete, and such rate shall be assessed in the manner hereinafter described. Provided that, if the water shall be supplied in any house or building at a height exceeding three feet, and not exceeding twenty-five feet, from the level, an additional rate of one per centum of the annual value of such house or building shall be imposed; and that, if the water shall be supplied at a height exceeding twenty-five feet, but under fifty feet, an additional rate of two per centum of their annual value shall be imposed; and a further additional rate of one per centum for every twenty-five feet above the height of fifty feet. Provided, also, that it shall be at the option of the Justices, in lieu of the said first mentioned rate of two per centum, to levy upon any native huts a fixed annual rate, not exceeding twelve annas and ten pies, for every cottah of land occupied by such huts with their appurtenances.

Occupier liable to the rate for time of occupation.

LXII. Every occupier shall be liable to the Lighting-rate and to the Water-rate for the time of his occupation; and when any person shall have been an occupier for a part only of any quarter, the Justices shall charge him with only so much of the rate for that quarter as may be proportionate to the number of days during which he shall have continued to be an occupier. No such rate shall be chargeable to any person on account of any unoccupied house for the time during which it may remain unoccupied. Provided always that, when any person ceases to be the occupier of any premises liable to the rate, he shall give the Justices notice thereof, or, if he fail to give such notice, he shall be liable to the rate assessed on the said premises for the whole quarter, although they may have been occupied for a part only of such quarter.

Proviso.

Owner when liable.

LXIII. When any house or building, or any land, is let by the owner in apartments, flats, or portions, the owner shall be liable to pay the Lighting-rate and the Water-rate, instead of the occupier or occupiers.

Occupiers subletting to be liable.

LXIV. When any person, who rents from the owner any house or building, or any land, sublets the same in apartments or portions, such person, for the purposes of the Lighting-rate and of the Water-rate, shall be held to be the occupier.

Any person liable to any rate, leaving the Town during a quarter, may be made at once to pay such rate up to date.

LXV. If, during the course of any quarter, the Justices shall have reason to believe that any person, who, if the current quarter had come to an end, would be liable to pay the House-rate, the Lighting-rate, or the water-rate, for that quarter, is about to remove from the Town forthwith, it shall be lawful for the Justices to declare such person liable to the immediate payment of the said rates, or any of them, from the commencement of that quarter up to the date of such declaration, and the amount of such rate for such time due from such person, shall be leviable forthwith, in like manner and in all respects as the said rates are in ordinary cases leviable.

Annual value of houses, buildings, and lands, how to be ascertained.

LXVI. The estimated gross annual rent at which the houses, buildings, and lands, liable to the rate or rates imposed under this Act upon houses, buildings, and lands according to the annual value thereof, might reasonably be expected to let from year to year, shall, for the purposes of the rates leviable under this Act, be held and deemed to be the annual value of such houses, buildings, and lands. The value of a house or building so estimated shall not include the value of any machinery contained therein.

Annual value to be assessed by the Justices; assessment to remain in force for three years.

LXVII. The annual value at which any lands, houses, buildings, or huts with their appurtenances, are to be assessed, or the area on which they are to be rated under this Act, shall be fixed by the Justices, and such lands, houses, buildings, and huts with their appurtenances, shall be assessed or rated, upon the value or the area so fixed, for three years from the date

on which it is so fixed, and on no other value or area. Provided that, if during the currency of the said period of three years any new building shall be erected on any land, or any substantial alteration and improvement shall be made in any premises, it shall be lawful for the Justices to cause such land or premises to be again assessed, even though the three years shall not have expired, and such last mentioned assessment shall be in force, and the rate shall be levied according to it, until the expiration of the said three years.

Proviso.

LXVIII. The annual value assessed, or the area fixed, by the Justices as hereinbefore provided, shall be entered in a book to be kept at the Office of the Justices, wherein shall also be written in distinct columns the name of the owner of the property; or, if the occupier, and not the owner, is the person liable to pay the rate, the name of the occupier; a designation of the property, either by name or number, sufficient to identify the same, together with the name of the street or district in which such property is situate, and the amount of the rate assessed or fixed thereon.

Value assessed, or measurement, to be entered in a book, &c.

LXIX. The Justices shall, immediately after this Act comes into operation, proceed without delay to make a valuation or measurement of all lands, houses, tenements, and premises within the Town, and for such purpose shall divide the Town into such and so many districts as they may think fit, and proceed to make a separate valuation or measurement district by district, and shall enter the same in the said book. The valuation which, at the date of this Act coming into operation, shall stand entered in the book kept at the Office of the Municipal Commissioners under Section V of Act XXV of 1856, shall be taken to be the first valuation made under this Act, until such time as the Justices shall have caused a new valuation or a measurement to be made.

New valuation or measurement to be made.

Valuation now standing in the book of the Municipal Commissioners to be taken as the first under this Act till new one be made.

LXX. When the name of the owner or occupier is not known, it shall be sufficient to designate him in the said book, and also in any notice or other proceeding under this Act, as "the owner" or "the occupier" of the property on which the rate is assessed, without further description.

Owner or occupier how to be designated if his name be unknown.

LXXI. In order to enable the Justices to arrive at a fair valuation or measurement of any houses, buildings, or lands liable to the rate, it shall be lawful for the Justices to require the owner or occupier of such houses, buildings, or lands to furnish them with returns of the measurements and of the rent or annual value thereof; and, for the like purpose, it shall be lawful for the Justices, or any person or persons appointed by them for that purpose, at any time between sunrise and sunset, to enter and inspect and measure such houses, buildings, or lands, after having given forty-eight hours' previous notice of such their intention to the occupier thereof; and whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required so to do, or knowingly makes a false or incorrect return, and whoever hinders, obstructs, or prevents any Justice of the Peace, or any person appointed by the Justices as aforesaid, from entering or inspecting or measuring any such houses, buildings, or lands, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding two hundred Rupees.

Returns may be required for purpose of valuation.

Power to enter houses, &c.

LXXII. When the valuation and measurement of any of the districts of the Town, into which it may have been divided under Section LXIX of this Act, shall have been completed, the Justices shall give public notice thereof, and of the place where the said book containing the valuation and measurement and the rate assessed, or a copy of the said book, may be inspected, by advertisement in the English and Bengallee Government Gazettes, and in at least two of the daily English Newspapers, and in two Vernacular Newspapers, published in Calcutta, and also by

Public notice of valuation and measurement to be given.

placards posted up in conspicuous places throughout such district of the Town; and the person in whose custody such book may be, shall permit every person claiming to be the owner or occupier of property included in the assessment or measurement, or the agent of such owner or occupier, to inspect the book and to make extracts therefrom without payment of any fee; and every person who does not claim to be such owner or occupier, to inspect and make extracts, in like manner, on payment of a fee of one Rupee.

Notice of time of revising assessment.

LXXIII. The Justices shall, at the time and in the manner in the preceding Section mentioned, give public notice of a day, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said valuation or measurement and assessment; and in all cases in which any property is for the first time assessed, or in which the valuation or measurement of any property previously assessed is increased, shall give special notice thereof to the owners or occupiers of such property. All appeals against such valuation or measurement and assessment shall be made to the Justices, by application in writing left at their Office three days before the day fixed in the said public notice for the revising of the said valuation or measurement and assessment; and upon hearing such appeals, the Justices shall make such amendments, if any, in the said assessment and in the said book, as they shall think proper.

After revision, the assessment book to be authenticated by seal of Justices.

Rate assessed to be deemed the rate for three years.

LXXIV. After the appeals have been inquired into, and after the revision of the valuation or measurement and assessment has been completed, the amendments, if any, made in the said book, shall be authenticated by the seal of the Justices; and thereupon, and subject to such alterations and amendments as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the whole three years for which the assessment is made, and this period shall be calculated from the commencement of the quarter in which any such amendment shall be so authenticated.

LXXV. Provided, always, that the Chairman or Vice-Chairman may at any time amend the said book, by inserting therein the name of any person whose name ought to be so inserted, or by inserting any property liable to the rate, after giving notice, to such person as may be interested in the making of the amendment, of a day, not being less than fifteen days from the date of the service of such notice, when such amendment is to be made; or by striking out the name of any person or any property not liable to the rate, or reducing the amount of the rate, without notice: and if any amendment shall be made, in cases where notice is required, the same shall be deemed to have been made on the expiration of fifteen days after service of the said notice; and any person interested in such amendment may appeal, by application in writing to the Justices left at their Office three days before the day fixed in the said notice for such amendment.

Alteration or amendment of assessment

LXXVI. It shall not be necessary to prepare a new book every three years, but the Justices may adopt the valuation or measurement and assessment contained in the book for any period of three years, with such alterations as may, in particular cases, be deemed necessary, as the valuation or measurement and assessment for the three years next following. Provided, always, that public notice of such valuation or measurement and assessment shall be given, in the manner prescribed in Section LXXII of this Act; and the provisions of that and the three following Sections shall be applicable to the said valuation or measurement and assessment, and to the book or books in which it is contained.

New assessment book need not be prepared every three years.

Proviso.

LXXVII. Appeals against any rate assessed or demanded by the Justices under the provisions of this Act, shall be heard and determined by not less than three Justices of the Peace. But no such appeal shall be heard unless the amount of the rate has been deposited with the Justices.

Hearing of appeals.

LXXVIII. The assessment by the Justices of any rate, when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under the preceding Section, shall be final and conclusive.

Assessment by Justices when to be final.

LXXIX. When any rate is due, the Justices shall cause to be presented, to the person liable to the payment thereof, a bill for the sum due, which shall also contain a statement of the period, and a description of the property or thing, for which the rate is charged.

Bills to be presented.

LXXX. If the bill is not paid, by the person liable to pay the same, within seven days from the presentation thereof, the Justices may cause to be served upon such person a notice of demand, in the form contained in the Schedule (C) to this Act annexed, or to the like effect; and if he shall not, within seven days from the service of such notice of demand, pay the sum due, or show sufficient cause, to the satisfaction of the Justices, for non-payment of the same, such sum, with all costs, may be levied by distress and sale of the goods and chattels of the defaulter, or if the defaulter be the occupier of any house, building, or land in respect of which a rate is due, by distress and sale of any goods and chattels found on the premises, under a warrant in the form contained in the Schedule (D) to this Act annexed, or to the like effect, to be issued for that purpose by the Justices. For every notice of demand under this Section which the Justices shall cause to be served upon any person, a fee not exceeding one Rupee, the amount of which shall be in each case fixed by the Justices, shall be paid by such person. Such fee shall be added to the amount of the rate in respect of which the notice is given, and, if not duly paid, shall be levied in the same manner as such rate may be levied.

Notice of demand.

Distress.

LXXXI. The Officer charged with the execution of a warrant of distress under the last preceding Section shall make an inventory of the goods and chattels seized under any such warrant,

Inventory—notice of distress.

and shall at the time give a notice in writing, in the form contained in the Schedule (E) to this Act annexed, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be sold as therein mentioned.

Sale.

LXXXII. If the warrant is not in the meantime discharged or suspended by the Justices, the goods and chattels seized shall be sold under the orders of the Justices, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs; and the surplus, if any, shall be returned, on demand, to the person in possession of the goods and chattels at the time of the seizure. Fees shall be payable upon distraints under this Act according to the rates set forth in the Table of Fees in the said Schedule.

Fees.

Goods of defaulter, wherever found, may be distrained.

LXXXIII. The goods and chattels of any person from whom any rate is due may be distrained, wherever the same may be found, for default in the payment of the money due from such person.

Rate due from owner may be recovered from occupier, and deducted by him from his rent.

LXXXIV. If the sum due, on account of any rate, from the owner of any house, building, or land, remains unpaid, after notice of demand has been duly served, the Justices may demand the amount from the occupier for the time being of such house, building, or land, and, on non-payment thereof, may recover the same by distress and sale of any goods and chattels found on the premises; and, in such case, the occupier may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from, him. Provided that no arrear of rate, which has remained due from the owner of any house, building, or land for more than one year, shall be so recovered from the occupier thereof.

Distress not unlawful for want of form.

LXXXV. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress,

inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio*, on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any Court of competent jurisdiction.

Justices may sue, instead of proceeding by distress.

LXXXVI. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of the sum due in respect of any rate, the Justices may sue the person liable to pay the same in any Court of competent jurisdiction.

Service of notices.

LXXXVII. Every notice, schedule, summons, or notice of demand regarding any assessment, rate, or tax, or any money due in respect of the same, may be served personally upon the person to whom the same is addressed, or be left at his usual place of abode with some adult male member or servant of his family, or, if it cannot be so served, may be put up on some conspicuous part of such place of abode, and shall thereby be deemed to be duly served. Provided that, if the place of abode of the owner of any house, building, or land, in respect of which a rate is assessed, be unknown, or if the owner of any such house, building, or land be not resident within the limits of the Town, every such notice, summons, or notice of demand, shall be deemed to be duly served, if put up on some conspicuous part of the house, building, or land in respect of which the rate is assessed.

Proviso.

Assessment not to be impeached if the directions of the Act are in substance complied with.

LXXXVIII. No assessment, and no charge or demand of a rate or tax, made under the authority of this Act, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to the rate or tax, or any mistake in the amount of assessment, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall, for want of form, be quashed or set aside in any Court of Justice.

Drainage of the Town and other works, and the mode of raising money for works of a permanent nature.

Drainage.

LXXXIX. The Justices shall carry out such a complete system of sewerage and drainage within the Town as they may think desirable, subject to the approval of the Lieutenant-Governor of Bengal, and subject to such alterations as may from time to time be ordered by him.

Drainage-rate on houses in the environs of the Town.

XC. The Lieutenant-Governor of Bengal may determine what portions, if any, of the environs of the Town shall be included in the said system of sewerage and drainage, and may declare the boundaries thereof by notification in the Government Gazette. An annual rate, to be fixed from time to time by the said Lieutenant-Governor, not exceeding two and a half per centum of their annual value, may be imposed upon all houses, buildings, and lands situated within the boundaries so notified, and the same shall be payable by the owners thereof in quarterly instalments. For the purposes of the said rate, the houses, buildings, and lands situated within such boundaries as aforesaid shall be held to be a part of the Town; and all the provisions of this Act which relate to the assessment and collection of rates payable by owners, shall have effect in respect to such rates.

Justices may erect wharves, &c., on river and canal banks, and levy fees for goods landed thereon

XCI. It shall be lawful for the Justices, with the sanction of the Lieutenant-Governor of Bengal, to erect wharves, jetties, or quays, in any river or canal bordering upon lands which may belong to the Justices. And it shall be lawful for the Justices to levy, upon all goods shipped or landed at any such quays, wharves, or jetties, erected as aforesaid, wharfage, porterage, and other fees, according to a scale to be laid down from time to time by the Justices with the sanction of the Lieutenant-Governor of Bengal.

XCII. It shall be lawful for the Officers, appointed by the Justices to superintend the landing and shipment of goods from any quays, wharves, and jetties erected under the provisions of the last preceding Section, to detain any such goods until the wharfage, porterage, and other charges due thereon shall have been paid.

Goods landed on wharves, &c., may be detained until fees are paid.

XCIII. *Clause* 1.—For the construction of works of a permanent nature under this Act, the Justices may, with the sanction of the Lieutenant-Governor of Bengal, from time to time, borrow by way of debenture, on the security of the rates, taxes, and dues imposed and levied on account of the Municipal Fund under this or any Act passed in that behalf, or of a portion of them, and at such rate of interest and upon such terms as to the time of repayment and otherwise as the said Lieutenant-Governor may approve, any sums of money the Justices may require for the objects aforesaid.

Mortgage of rates.

Clause 2.—All the debentures aforesaid, issued under the authority of this Act, shall be in the form contained in the Schedule (F) to this Act, and shall be transferable by endorsement, and the right to sue in respect of the monies secured by any of such debentures shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Form of security.

Clause 3.—The Justices may at any time, with such consent as aforesaid, raise, by the issue of new debentures, any money that may be required to pay any monies for the time being due on any debentures issued in pursuance of this Act.

Payment of debentures by fresh mortgage of rates.

Registration of Births and Deaths, and the taking of a Census.

XCIV. It shall be lawful for the Justices to keep in their Office a Register of all births and deaths in the Town, and for this purpose they shall divide the Town into such and so many Districts as they shall think fit, and for every

Justices may keep a Register of births and deaths, and appoint Registrars.

such District they shall appoint a person to be Registrar of births and deaths within such District.

Every Registrar to live in his District; list of Registrars to be published, &c.

XCV. Every Registrar shall dwell within the District of which he is Registrar, and shall cause his name, with the addition of Registrar for the District for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling-house; and the Justices shall cause to be printed and published a list, containing the name and place of abode of every Registrar in the Town.

Justices to have Register books prepared and numbered.

XCVI. The Justices shall cause to be prepared and printed a sufficient number of Register Books for making entries of all births and deaths which may take place in the Town, according to the forms prescribed in Schedules (G) and (H) to this Act annexed, and the pages of such book shall be numbered progressively from the beginning to the end.

Registrar to inform himself of, and register, births and deaths.

XCVII. Every Registrar shall inform himself carefully of every birth and of every death which shall happen in his District after the first day of July 1863, and shall learn and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms in the said Schedules (G) and (H), respectively, touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

Information of births to be given within one month.

XCVIII. The father or mother of every chid born in the Town, or in case of the death, illness, absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within one month next after the day of every such birth, give information to the Registrar of the District, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child. Any person whose duty it shall

be to give information to a Registrar under this Section, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding one hundred Rupees.

Information of death to be given.

XCIX. Some one of the persons present at the death, or in attendance during the last illness, of every person dying in the Town, or, in case of the death, illness, inability, or default of all such persons, the occupier of the house or tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within eight days next after the day of such death, give information to the Registrar of the District, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person. Any person who shall refuse or neglect to give any information which it is his duty to give under this Section, shall be liable to a penalty not exceeding one hundred Rupees.

Person giving information to sign the Register.

C. Every person by whom the information contained in any Register of births or deaths under this Act shall have been given, shall sign in the Register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it.

Account of population to be taken.

CI. At such times and in such manner as shall be directed from time to time by the Justices, an account shall be taken of the number of persons who, at the time of taking such account, shall be within the Town, and the persons employed in taking such account shall set down the several particulars respecting the same which are hereinafter prescribed.

Chairman to superintend the taking an account of the population.

CII. The Chairman shall superintend the taking of such account, and shall cause to be prepared and issued, for the use of the persons to be employed, such forms and instructions as he shall, with the sanction of the Lieutenant-Governor, deem neces-

sary, and all the expenses incurred shall be defrayed out of the Municipal Fund.

Enumeration Districts.

CIII. Each Police division of the Town shall be formed into one or more Enumeration Districts.

At the appointed time, occupiers of houses shall give the required information.

CIV. At such times as shall be appointed under Section CI of this Act, and as shall be notified in the Official Gazette by the Lieutenant-Governor of Bengal, every occupier of a dwelling-house or of any part of a dwelling-house distinctly occupied, and every person to whom a Schedule, as hereinafter provided, may have been delivered, shall afford such information, in regard to all persons who were abiding in his house, or in the place under his charge, on the night immediately preceding, and in such manner, as may, under this Act, be lawfully required of them.

Persons to be employed as enumerators.

CV. The Chairman shall select a sufficient number of competent persons to act as enumerators; and every such enumerator, under the direction of the Chairman, shall visit every house within his District, except as hereinafter provided, and shall take an account in writing of the name, sex, age, caste, nationality, and occupation, of every living person who shall abide therein on the night immediately preceding the day appointed as aforesaid, and shall also take an account of the occupied houses, and the houses then being built and therefore uninhabited, and also of all other uninhabited houses, within his District, and in all respects conform to, and obey, the instructions which may be issued to him by the Chairman in this behalf. Provided always that, in the case of females, no account shall be taken either of their name or age.

Schedules.

CVI. The Chairman, when he may deem such a course to be advisable, may cause a Schedule, in such form as shall be sanctioned by the Lieutenant-Governor, to be delivered to any occupier of any dwelling-house who he shall have ascertained to be able to write, and such occupier shall fill in all the particulars required in the form on the

day to be appointed, and shall deliver the same to such persons as may be duly authorized to demand the same.

Military and Naval Officers and certain others, if required, to act as enumerators.

CVII. Any Military or Naval Officers in command of bodies of Military or Naval men, or of Vessels of War, or any Master of a Merchant Vessel, or Nacodah or Tindal of a vessel or boat, or any person in charge of a Lunatic Asylum, Hospital, or Prison, or of any public or private charitable or scholastic institution, or any keepers of Hotels or Lodging-houses, shall, if required, act as enumerators for the purpose of taking account of persons under their command or charge, or abiding in their houses, on the night immediately preceding the day to be appointed; every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Chairman in that behalf.

Returns of houseless persons.

CVIII. The Chairman shall obtain, by such ways and means as shall appear to him best adapted for the purpose, and as shall be sanctioned by the Lieutenant-Governor, returns of the particulars required by this Act with respect to all houseless persons, and all persons who, during the said night preceding the day to be appointed, were on out-door night duty, or for any other reason were not abiding in any house of which account is to be taken by the enumerators.

General Conservancy of the Town, and works for a supply of Water.

Streets vested in the Justices.

CIX. All public streets in the Town (not being the property and kept under the control of the Government), existing at the time this Act comes into operation, or which shall afterwards be made, and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall vest in, and belong to, the Justices.

CX. The Justices, with the sanction of the Government of Bengal, may lay out and make new streets, and may build and construct bridges and tunnels; and may turn, divert, discontinue, or stop up, any public street, and may widen, open, enlarge, or otherwise improve, any such street; making due compensation to the owners and occupiers of any land, houses, or buildings which may be required for any such purposes.

Power to make and improve streets.

CXI. In laying out or making any new street, or in turning, diverting, widening, opening, enlarging, or otherwise improving, any public street, in addition to the land required for the carriage-ways and foot-ways thereof, the Justices may purchase also the land necessary for the houses and buildings to form the said street, and may sell and dispose of the same, with such stipulations and conditions as to the class and description of houses or buildings to be erected thereon, as they shall think fit. Provided that, if any land be taken under the provisions of this Act, compensation shall be made to the owners for any direct or immediate damage which may be done thereby to any adjoining land or buildings of such owner.

Power to take land adjoining new streets, for building purposes.

Compensation for damages to adjoining land.

CXII. The Justices may agree with the owners of any land or building for the absolute purchase thereof for the purpose of laying out and making new streets, or of widening, enlarging, or otherwise improving any of the public streets, or for any other purpose whatever connected with the conservancy or general improvement of the Town.

Power to agree for purchase of land for improving streets, or for other Municipal purposes.

CXIII. When there is any hinderance to the acquisition by purchase of any land or building required for the purposes of this Act, the Government of Bengal, upon the representation of the Justices, and after such inquiry as may be thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the

Mode of ascertaining compensation for land, &c.

same for Government, and for determining the compensation to be paid to the parties interested, according to any laws now or hereafter to be in force for the acquisition of land for public purposes. And the Government of Bengal may vest such land or building in the Justices, on their paying the compensation awarded.

Power to sell lands or buildings.

CXIV. The Justices may sell any lands or buildings vested in them by virtue of this Act, or acquired by them for the purposes thereof, either together or in parcels as they may find most convenient and advantageous, and the proceeds of such sale shall be applied to the purposes of this Act; and for carrying such sale into effect, the Justices may execute a conveyance of the lands sold to the purchaser, and such conveyance shall be under the common seal of the Justices, and shall be executed in all respects in the manner hereinbefore provided for the execution of contracts, the value or amount of which exceeds five hundred Rupees.

Power to sell old streets.

CXV. Whenever any street, hereby vested in the Justices, shall be discontinued and stopped up under the provisions of Section CX of this Act, the Justices may sell the land or such part thereof as shall not be required for the purposes of this Act.

Maintenance and repair of streets.

CXVI. The Justices shall, so far as the funds at their disposal will admit, from time to time, cause the public streets to be maintained and repaired, and from time to time may cause the same to be paved, metalled, flagged, channelled, sewered, or otherwise improved, and the surface thereof to be raised, lowered, or altered, as they may think fit; and may also make and keep in repair any foot-ways for the use of passengers in any such street, and also from time to time place, on the sides of such foot-ways or otherwise, such fences and posts as may be needed for the protection of foot-passengers.

Foot-ways.

Cleansing streets.

CXVII. The Justices shall cause the streets, including the foot-ways thereof, to be regularly swept and cleansed; and the dust, dirt, ashes, rubbish, and filth of every sort found thereon, to be collected and removed.

Dust-boxes in streets.

CXVIII. The Justices may cause any number of moveable or fixed dust-boxes or other convenient receptacles, wherein dust, dirt, ashes, and rubbish may be temporarily deposited until removed and carried away, to be provided and placed in proper and convenient situations, and may require the occupiers of houses in streets to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in the said receptacles. Every person who, after such receptacles have been provided, and after such requisition as above mentioned, shall deposit, or cause or permit to be deposited, any such matter in any street, except in such receptacles, shall be liable to a penalty not exceeding ten Rupees for each offence.

Depositing dirt on streets, &c.

CXIX. Whoever deposits, or permits his servants to deposit, any dust, dirt, dung, ashes; garden, kitchen, or stable refuse; or filth of any kind, or any animal matter, or any broken glass or earthenware, or other rubbish, in any street or on any public quay, jetty, ghaut, or landing place, or on any part of a river-bank, whether above or below high-water mark, except in such places and in such manner and at such hours as shall be fixed by the Justices, shall be liable to a penalty not exceeding ten Rupees for each offence. The Justices may, in manner hereinafter provided, make Bye-Laws for regulating the making of such deposits, and for the removing and carrying away the same, and for charging the person making the deposit, with the expense of removing it or carrying it away.

Allowing sewerage to flow on streets.

CXX. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter belonging to him or being on his land, to run, drain, or be thrown or put upon any street, or causes or allows any offensive matter from any sewer or privy, to run, drain, or be thrown into, a surface drain in any street, shall be liable to a penalty not exceeding ten Rupees for each offence.

Removal of night-soil.

CXXI. The Justices, from time to time, may fix the hours within which, only, it shall be lawful to remove any night-soil or other such offensive matter. When the Justices have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street any such offensive matter at any time, except within the hours so fixed, and also whoever, at any time, whether such hours have been fixed by the Justices or not, uses for any such purpose any cart, carriage, or other receptacle or vessel not having a covering proper for preventing the escape of the contents thereof or of the stench therefrom, or who slops or spils any such offensive matter, in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or who places or sets down in any public place any vessel containing such offensive matter, or who drives or takes, or causes to be driven or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street or by any route other than such as shall from time to time be by public notice appointed for that purpose by the Justices, shall be liable to a penalty not exceeding twenty Rupees for each offence.

Places of deposit for filth.

CXXII. The Justices, from time to time, shall appoint or provide places convenient for the deposit of the night-soil, dung, and other filth, and the dust, dirt, ashes, and rubbish collected and removed under the authority of this Act; and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act; and for any of such purposes the Justices may purchase or take on lease any land or buildings by them considered necessary, or may cause any new building to be made upon any land to be purchased or hired by them.

All rubbish, &c., collected, to be the property of the Justices.

CXXIII. All dirt, dust, ashes, rubbish, sewerage, soil, dung, and filth, collected from the streets, houses, privies, sewers, and cess-pools, shall be the property of the Justices, who shall have power to sell or dispose of the same as they may think proper, and

he money arising from the sale thereof, shall be applied to the purposes of this Act.

Watering streets.

CXXIV. The Justices, so far as the funds at their disposal will admit, and so far as they may deem requisite for the public convenience, shall cause the public streets to be watered; and for that purpose may provide such works and engines as they may think necessary.

Future obstructions in streets.

CXXV. Whoever builds any wall, or erects or sets up any fence rail, post or other obstruction or encroachment, in any public street, or in or over any open drain, sewer, or aqueduct along the side of any such street, after this Act comes into operation, shall be liable to a penalty not exceeding one hundred Rupees; and the Justices shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided. Nothing herein contained shall prevent the Justices from allowing any temporary erections in any public street on occasions of festivals and ceremonies.

Power to remove.

Temporary obstruction on occasions of festivals, &c.

Taking up pavements.

CXXVI. Whoever displaces, takes up, or makes any alteration, in the pavement, flags, or other materials, or in the fences or posts, of any public street, without the consent in writing of the Justices, or without other lawful authority, shall be liable to a penalty not exceeding fifty Rupees.

Private persons laying out new streets.

CXXVII. Every person who wishes to make or lay out any new street, shall give notice in writing thereof to the Justices, shewing the intended level and width of such street; and the level and width of every such street shall be fixed or approved by the Justices; and whoever lays out, makes, or builds upon, any such street, otherwise than in accordance with the level and width so fixed or approved, shall be liable to a penalty not exceeding five hundred Rupees; and the Justices may, if they think fit, cause any such

street, laid out or made at a level or width otherwise than in accordance with the level or width so fixed or approved as aforesaid, to be altered; or may cause any building, erected in any such street, otherwise than in accordance with such level and width, to be altered, or if necessary removed, and the expenses thereby incurred shall be paid to them by the offender, and be recoverable as hereinafter provided. If no such level or width be fixed, and no approval or disapproval of the level or width proposed, be signified by the Justices within one month, the intended street may be laid out and made upon the level and of the width specified in the notice.

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CXXVIII. It shall not be lawful for any person to erect, within the Town, any hut or any range or block of huts, on any plot or parcel of ground on which no huts are standing, without previous notice to the Justices; and the Justices may require such hut or huts to be built so that they may stand in regular lines, with a free passage or way in front of each line, of such width as the Justices may think proper for salutary ventilation, and to facilitate scavengering, and at such a level as will admit of sufficient drainage. And if any such hut or huts be built without giving such notice to the Justices, or otherwise than as required by the Justices, the Justices may give notice to the builder or builders thereof to take down and remove the same within one month, and if such hut or huts be not taken down or removed according to such notice, the Justices may cause the same to be taken down and removed, and the expense incurred in doing so shall be paid by the said builder or builders, and shall be recoverable as hereinafter provided.

Errection of new huts to be under the control of the Justices.

CXXIX. Whenever the Justices are satisfied, from inspection, or by report of competent persons, that any existing block of huts in the Town, is, by reason of the manner in which the huts are crowded together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may, with the sanction of the Government of Bengal, cause a notice to be fixed to some conspicu-

Power of Justices as to existing huts.

ous part of such block of huts, requiring the owners or occupiers thereof, or at the option of the Justices, the owner of the land on which such huts are built, within a reasonable time to be fixed by the Justices for that purpose, to execute such operations as the Justices, with such sanction as aforesaid, may deem necessary for the avoidance of such risk. And in case such owners or occupiers, or the owner of the land, shall refuse or neglect to execute such operations within the time appointed, the Justices may cause the said huts to be taken down, or such operations to be performed in respect of such huts, as the Justices may deem necessary to prevent such risk. If such huts be pulled down, the Justices shall cause the materials of each hut to be sold separately, if such sale can be effected; and the proceeds shall be paid to the owner of the hut, or if the owner be unknown, or the title disputed, shall be held in deposit by the Justices, until the person interested therein shall obtain the order of a competent Court for the payment of the same. The Calcutta Court of Small Causes shall be deemed a competent Court for that purpose.

Paving, &c., of private streets.

CXXX. If any street (not being a public street), or any part thereof, be not levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Justices, they may, by notice in writing to the respective owners or occupiers of the premises fronting, adjoining, or abutting upon, such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, and sewered, require them to level, metal, pave, flag, channel, and sewer the same within a time to be specified in such notice, and upon non-compliance the Justices, may, if they think fit, execute the works mentioned or referred to therein: and the expenses incurred by them in so doing shall be paid by the owners in default according to the frontage of their respective premises, and in such proportion as shall be settled by the Justices, or, in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses; and such expense shall be recoverable as hereinafter provided. Provided always that, after such street shall have been so levelled, paved, metalled, flagged, chan-

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nelled, and sewered, on the requisition of the Justices, or by the Justices as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Justices out of the Municipal Fund.

Certain streets to be deemed public and repaired by the Justices.

CXXXI. If any street (not being a public street, but being a street over or through which the public have or may hereafter have a right of way) be levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Justices, they may, if they think fit, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street, and be from time to time repaired by them out of the Municipal Fund.

Houses may be set forward for improving line of streets.

CXXXII. The Justices may, upon such terms as they shall think fit, allow any house or building to be set forward for improving the line of any public street in which such house or building is situated.

Houses projecting beyond line of street, when taken down, to be set back.

CXXXIII. When any house or building, any part of which projects beyond the regular line of a public street, or beyond the front of the house or building on either side thereof, has been taken down in order to be rebuilt or altered, the Justices may require the same to be set back to or towards the line of the street or the line of the adjoining houses or buildings.

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Provided always that the Justices shall make full compensation to the owner of any such house or building for any damage he may thereby sustain, and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Names of streets.

CXXXIV. The Justices shall, from time to time, cause to be put up or painted, on a conspicuous part of some house, building, wall, or place, at or

near each end, corner, or entrance of every street, the name by which such street is to be known; and whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Justices, shall be liable to a penalty not exceeding twenty Rupees.

Numbers on houses.

CXXXV. The Justices may, from time to time, fix a number in a conspicuous place on the outer side of any house or building, or at the entrance of the enclosure thereof fronting the street; and whoever destroys, pulls down, or defaces any such number, shall be liable to a penalty not exceeding twenty Rupees.

Doors not to open outwards.

CXXXVI. All doors, gates, bars, and ground-floor windows put up after this Act comes into operation, which open upon any public street, shall be hung or placed so as not to open outwards and cause obstruction; and if any such door, gate, bar, or window be hung or placed so as to open outwards on any such street and cause obstruction, the owner of the premises to which the same is attached shall, within eight days after notice from the Justices to that effect, cause the same to be altered so as not to open outwards and cause obstruction, and in case he neglects so to do, the Justices may make such alteration, and the expense thereof shall be paid by such owners, and shall be recoverable as hereinafter provided.

Doors opening outwards to be altered.

CXXXVII. If any door, gate, bar, or ground-floor window, put up before this Act comes into operation, is hung or placed so as to open outwards upon any public street and cause obstruction, the Justices may alter the same, so that no part thereof, when open, shall cause an obstruction, and the expense thereof shall be paid by the owners, and be recoverable as hereinafter provided.

Troughs and pipes to be fixed to houses.

CXXXVIII. The owner of every house or building in any public street shall, within fifteen days after notice from the Justices to that effect, put up, and keep in good condition, proper troughs and pipes for catching and carrying the water from the roof and

other parts of such house or building, and for discharging the same in such manner as the Justices shall direct, and in default of compliance with such notice within the period aforesaid, such owner shall be liable to a penalty not exceeding ten Rupees for every day that he shall so make default.

Projections erected in future from houses, to be removed.

CXXXIX. The Justices may give notice in writing to the owner or occupier of any house or building to remove or alter any projection, encroachment, or obstruction, which, after this Act comes into operation, shall be erected or placed against or in front of such house or building, and such owner or occupier shall, within fifteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Justices, and in default thereof shall be liable to a penalty not exceeding two hundred Rupees; and the Justices in such case may remove such projection, encroachment, or obstruction; and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided. Provided that, when the expense shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same, from the rent payable by him to the owner of the house or building.

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Removal of existing projections from houses.

CXL. The Justices may cause any such projection, encroachment, or obstruction, erected or placed against or in front of any house or building in any public street, before this Act comes into operation, to be removed, or altered as they think fit; provided that they give notice of such intended removal or alteration to the occupier of the house or building against or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and if such projection, encroach-

Notice of removal.

ment, or obstruction shall have been lawfully made, they shall make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Compensation when to be made.

CXLI. The Justices may give permission in writing to the owners or occupiers of houses or buildings in public streets to put up verandahs, balconies, sun-shades, weather-frames, and the like, to project from any upper-storey thereof over the street, to an extent not exceeding five feet from the foundation.

Justices may allow certain projections from houses.

CXLII. The external roofs and walls of huts or other buildings erected or renewed within the Town after this Act comes into operation shall not be made of grass, leaves, mats, or other such inflammable materials; and it shall not be lawful for the owner of any hut or other building, in or near any street, now having an external roof or wall made of any such material, and which is contiguous to or adjoining to any other building, to suffer such roof or wall to remain after this Act comes into operation, unless with the consent in writing of the Justices; and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice given to him for that purpose by the Justices, shall be liable to a penalty not exceeding ten Rupees for every day that such roof or wall shall continue. Any person may give information and institute a prosecution under this Section.

Roofs and external walls of huts not to be made of inflammable materials.

CXLIII. If, in any street, any house, building, or wall, or any thing affixed thereon, be deemed by the Justices to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or to the occupiers thereof, or to passengers, they shall

Houses in a ruinous and dangerous state.

immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Justices shall cause all or so much of such house, building, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and all the expenses incurred by the Justices shall be paid by the owner of the premises, and shall be recoverable from him as hereinafter provided.

Sale of materials of ruinous houses.

CXLIV. If any such house, building, or wall, or any part of the same, be pulled down by virtue of the powers aforesaid, the Justices may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any overplus arising from such sale to the owner of such house, building, or wall, on demand. The Justices, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as by this Act are given to them for compelling the payment of the whole of the said expenses.

Power to shut up and secure deserted houses.

CXLV. If any building or land, by reason of abandonment or of disputed ownership or other cause, shall remain untenanted, and thereby become a resort of idle and disorderly persons, or be complained of by any two or more of the neighbours as a nuisance, the Justices, after due inquiry, may cause notice in writing to be given to the owner, or to the person claiming to be owner, if

he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the building or some conspicuous part of the premises, requiring the persons concerned therein, whoever they may be, to secure or enclose the same; and if such notice shall not be complied with within eight days, the Justices shall cause the necessary work to be executed, and all expenses thereby incurred shall be paid by the owner of the premises, and shall be recoverable as hereinafter provided.

Penalty on occupier of a house not removing filth.

CXLVI. Whoever, being the occupier of a house within the Town, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom and to cleanse and purify the same, shall be liable to a penalty not exceeding fifty Rupees for each offence.

Filthy houses, &c.

CXLVII. Whoever, being the owner or occupier of any house, building, or land within the Town, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or overgrown with vegetation, shall be liable to a penalty not exceeding fifty Rupees, and to a penalty not exceeding ten Rupees for every day after conviction for such offence during which the offence is continued.

Power to trim hedges and trees bordering roads.

CXLVIII. The Justices may give notice to the owner or occupier of any land to trim or prune the hedges thereof bordering any public road or street, so that they may not exceed the height of seven feet from the level of the road; and to cut and trim all trees which, by overhanging any public road or street, obstruct the passage or cause damage thereto; and in the event of such notice not being complied with within eight days from the date thereof, the Justices may cause the said hedges and trees to be cut and trimmed in the manner required, and the expense incurred by the

Justices in respect thereof shall be paid to them by the owners, and shall be recoverable as hereinafter provided.

Keeping swine or cattle, &c.

CXLIX. Whoever within the Town shall keep any pig-stye to the front of any street, not being shut out therefrom by a sufficient wall or fence, and whoever shall within the Town, without the permission of the Justices, keep more than ten swine, or more than twenty sheep or goats or ten horned cattle, shall be liable to a penalty not exceeding fifty Rupees.

Sewers, drains, &c., vested in the Justices.

CL. All public sewers and drains, and all sewers, drains, tunnels, and culverts, in, alongside, or under the streets, existing at the time this Act comes into operation or afterwards made, and whether made at the cost of the Justices or otherwise, and all works, materials, and things appertaining thereto, shall be vested in and belong to the Justices.

Powers of Justices in making public sewers.

CLI. The Justices, in making any main or other sewers for the drainage of the Town, may, if needful, carry such sewers through, across, or under any street, or any place laid out as, or intended for, a street, or any cellar or vault which may be under any of the streets, and (after reasonable notice in writing in that behalf) into, through, or under any inclosed or other land whatsoever, making full compensation for any damage done thereby; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Justices to repair and alter and close sewers.

CLII. The Justices shall maintain, and from time to time repair, and as they see fit, enlarge, alter, arch over, or otherwise improve, all or any of the sewers and drains vested in them by this Act: and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary. Provided that, if, by reason of any thing done

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under this Section, any person is deprived of the lawful use of any sewer or drain, the Justices shall, at a place within one hundred feet of the sewer or drain of the use of which he is deprived, provide the means of drainage into some public sewer, tidal river, or other place into which the Justices are empowered to empty their sewers, and thereupon the owner shall make a drain leading thereunto, of such materials, of such size, at such level, and with such fall, as the Justices shall direct; and if he neglect to do so within a reasonable time, the Justices may cause the same to be done, and the expenses thereby incurred shall be paid by the owner, and shall be recoverable as hereinafter provided.

Cleansing and emptying sewers.

CLIII. The Justices shall, so far as the funds at their disposal will admit, cause the sewers and drains belonging to them to be so constructed, maintained, and kept, as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of flushing, cleansing, and emptying the same, they may construct and place, either above or underground, such reservoirs, sluices, engines, and other works as may be necessary; and they may also, with the sanction of the Government of Bengal, cause all or any of such sewers and drains to communicate with, and be emptied into, any tidal river or other fit place, or cause the refuse from such sewers and drains to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the same for any agricultural or other purposes as may be deemed most expedient, but so that the same shall not become a nuisance.

Bed of stream receiving sewerage to be cleared.

CLIV. When the contents of any sewer or drain, or any other flow or filth or refuse, are discharged into any river or stream, in the bed or channel of which the quantity of water at any season of the year is so much diminished, by natural or artificial causes, as to be insufficient to keep such channel clean or clear, the Justices, with the sanction of the Government of Bengal, so far as the funds at their disposal will admit, shall make such alteration in the bed of such river or stream, as may prevent

such sewer and drain-water from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof, to the injury of health or the annoyance of the surrounding population.

Penalty for making unauthorized drains into public sewers.

CLV. Whoever, without the written consent of the Justices first obtained, makes or causes to be made, any drain into any of the sewers or drains vested in the Justices by this Act, shall be liable to a penalty not exceeding two hundred Rupees; and the Justices may cause such branch-drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit; and all the expense incurred thereby shall be paid by the person making such branch-drain, and shall be recoverable as hereinafter provided.

Building over sewers, &c., not to be erected without consent of the Justices.

CLVI. No building shall be newly erected over any sewer or drain vested in the Justices by this Act without their written consent; and if any building be so erected, the Justices may cause such building to be pulled down or otherwise dealt with as they may think fit; and the expenses thereby incurred shall be paid by the person offending, and be recoverable as hereinafter provided.

Justices empowered to make drains from houses which are not properly drained.

CLVII. If any house or building within the Town and within a reasonable distance of a sewer fit for use, or of some tidal river or other place at which the Justices are empowered to empty their sewers, be at any time not drained to the satisfaction of the Justices by a sufficient drain or pipe communicating with some sewer, tidal river, or other place as aforesaid, the Justices may, if the owner neglects to do so within fifteen days after notice, construct or lay from such house or building, a covered drain or pipe, of such materials, of such size, at such level, and with such fall, as they shall think necessary for the draining of such house or building; and the expenses incurred by the Justices in respect thereof, if not forthwith paid by the owner, shall be recoverable as hereinafter provided.

CLVIII. No house or building shall be hereafter built within the Town upon a lower level than will allow of the drainage of such house or building being led into some public sewer either then existing or projected, or into some tidal river or other place into which the Justices are empowered to empty their sewers.

Level of houses hereafter built within the Town.

CLIX. If any house or building, newly erected or re-built within the Town after this Act comes into operation, have such means of drainage, as in the last preceding Section mentioned, existing within one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house or building, of such materials, of such size, at such level, and with such fall, as the Justices may direct; and if he neglect to do so within a reasonable time, the Justices may cause the same to be done, and the expenses thereby incurred shall be paid by the owner, and shall be recoverable as hereinafter provided.

Houses hereafter built to have drains constructed under the orders of the Justices.

CLX. Before beginning, within the town, to build or re-build any house, the person intending to build or re-build such house, shall give to the Justices notice thereof in writing, and shall accompany such notice with a plan, shewing the levels at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Justices.

Notice of new buildings to be given to the Justices.

CLXI. Within fourteen days after receiving such notice, the Justices shall signify their approval of the proposed levels, or, if they disapprove thereof, they shall fix other levels in lieu thereof within the same time.

Justices to signify disapproval within fourteen days.

CLXII. If such building be begun or made without sending such notice and plan, or at any levels different from those fixed by the Justices within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Justices may, if necessary, cause such building to be altered

Houses built without notice, or contrary to provisions of this Act, may be altered by the Justices.

or demolished as the case may require; and the expense thereby incurred shall be paid by the person failing to comply with the provisions aforesaid, and shall be recoverable as hereinafter provided.

If Justices fail to signify approval, &c., within fourteen days, parties may proceed without.

CLXIII. If the Justices fail to signify in writing their approval or disapproval of the levels shewn on such plan as aforesaid, and to fix other levels within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding any thing hereinbefore contained, proceed to build or re-build the house therein referred to, according to the levels shewn on such plan. Provided that such building or re-building be otherwise in accordance with the provisions of this Act.

Sewers in streets to be covered with traps, &c.

CLXIV. All sewers and drains in streets, whether public or private, shall be provided by the Justices, or by the persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stench. If the owner of any private sewer or drain shall, for ten days after notice given to him by the Justices, neglect or delay to provide proper traps or coverings or means of ventilation as aforesaid, the Justices may forthwith provide and apply the same; and the expense incurred thereby shall be paid by the owner of such sewer or drain, and shall be recoverable as hereinafter provided.

Power of Justices to erect or affix to building pipes for ventilation of sewers.

CLXV. The Justices may erect on, or fix to, any house or building, such pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not less than six feet above the highest part of the house or building, and erected so as not to occasion any nuisance or inconvenience to any house or building in the neighbourhood.

Throwing rubbish into sewers.

CLXVI. Whoever throws or puts, or permits his servants to throw or put, any earth, dirt, ashes; garden, kitchen, or stable refuse; or any broken glass or earthen-ware, or other rubbish, or, until

suitable sewers shall be provided, any night-soil, into any sewer or drain belonging to any of the Justices, or into any drain communicating therewith, shall be liable to a penalty not exceeding fifty Rupees for each offence.

Common necessaries.

CLXVII. The Justices may provide and maintain in proper and convenient situations, so as not to create a nuisance, common necessaries and urinals, and shall cause the same, when provided, to be kept in proper order and to be daily cleansed.

Licensing of public necessaries, and tola mehters' depôts.

CLXVIII. The Justices may license, for any period not exceeding one year, such necessaries for public accommodation, and such tola mehters' depôts as they, from time to time, may think proper; and whoever keeps any public necessary, or any tola mehter's depôt without such license, or, having a license for a public necessary or tola mehter's depôt, suffers the same to be in a filthy or noxious state, or neglects to employ proper means for cleaning the same, shall, on conviction before a Justice of the Peace, be liable to a penalty not exceeding one hundred Rupees, and the license may be cancelled by the Justice before whom the person is convicted. Provided, also, that it shall be lawful for the Justices at any time, on giving one month's notice, to cancel any license granted under this Section, if it shall seem proper to them to cancel it.

Neglecting to enclose private privy.

CLXIX. The owner or occupier of any house or building having a privy on his premises, shall have such privy shut out by a sufficient roof, and wall or fence, from the view of persons passing by or residing in the neighbourhood: and it shall not be lawful for any owner or occupier to keep any privy with a door or trap-door opening on to any street. Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this Section, shall be liable to a penalty of ten Rupees a day for each day of default or breach. Provided that the Justices may, in their discretion, permit the continuance, for such time as they may fix, of any such privy with a door or trap-door opening on to any street, where such privy already exists and does not create a nuisance.

CLXX. All branch-drains, as well within as without the lands or buildings to which they belong, and all privies and cess-pools within the Town, shall be under the survey and control of the Justices, and shall be altered, repaired, and kept in proper order at the costs and charges of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner of any land or buildings to which any such drain, privy, or cess-pool belongs, neglect, during eight days after notice in writing for that purpose, to alter, repair, and put the same into good order, in the manner required by the Justices, the Justices may cause such drain, privy, or cess-pool to be altered, repaired, and put in good order, and the expense incurred by the Justices in respect thereof shall be paid by the owner, and shall be recoverable as hereinafter provided.

Branch-drains, privies, &c., to be under the control of the Justices, and to be kept in good order by owners.

If owners neglect, Justices may cause the same to be done and charge the owners with the expense.

CLXXI. If any such drain, privy, or cess-pool be constructed after this Act comes into operation, contrary to the directions and regulations of the Justices, or contrary to the provisions of this Act, or if any person, without the consent of the Justices, constructs, re-builds, or unstops, any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees; and the Justices may cause such amendment or alteration to be made in any such drain, privy, or cess-pool, as they think fit; and the expense thereof shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped, and shall be recoverable from him as hereinafter provided.

Penalty for persons making or altering drains, &c., contrary to the orders of the Justices.

CLXXII. The Justices, or any officer appointed by them for the purpose, may inspect any such drain, privy, or cess-pool, and for that purpose, at any time between sunrise and sunset, after

Inspection of drains, privies, and cess-pools.

one hour's notice in writing to the occupier of the premises to which such drain, privy, or cess-pool is attached, may enter upon any lands and buildings, with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be; and if, upon such inspection, it appears that the drain, privy, or cess-pool is not in good order and condition, or that it has been constructed after this Act comes into operation contrary to the provisions thereof, the expenses of such inspection shall be paid by the person to whom such drain, privy, or cess-pool may belong, and shall be recoverable as hereinafter provided: but if the drain, privy, or cess-pool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Justices or Officer as aforesaid shall cause the ground to be closed and made good as soon as may be; and the expenses of opening, closing, and making good such drain, privy, or cess-pool, shall, in that case, be defrayed by the Justices. Provided, always, that nothing hereinbefore contained shall authorize an entry into the zenanas, or private apartments appropriated to the females of Hindoo and Mussulman families, for the purpose of such inspection, except by the agency of women.

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CLXXIII. Where any notice is required by this Act to be given to the owner or occupier of any building or land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such building or land, or left with some adult male member or servant of his family, or, if the notice cannot be so served, or if there be no occupier, may be put up on some conspicuous part of such building or land, and it shall not be necessary in any such notice to name the occupier or the owner. Provided always that, when the owner and his residence are known to the Justices, it shall be their duty, if such owner be residing within the limits of their authority, to cause every notice, required to be given to the owner of any building or land, to be served on such owner or left with some adult male member or

Service of notice on owners and occupiers of buildings and lands.

servant of his family; and, if the owner be not resident within such limits, they shall send every such notice by post addressed to his residence, and proof of delivery of the notice at the Post Office shall be held to be due service of the same.

Justices, in default of owner or occupier, may execute works and recover expenses.

CLXXIV. Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such works, the Justices, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expense thereby incurred shall be paid to them by the person by whom such work ought to have been executed, and shall be recoverable as hereinafter provided.

Power to levy charges on occupier, who may deduct the same from his rent.

CLXXV. If the defaulter be the owner of the building or land, the Justices may, by way of additional remedy, whether any action or proceeding has been brought or taken against any such owner or not, require the payment, of all or any part of the expenses payable by the owner for the time being, from the person who then or at any time thereafter occupies the building or land under such owner, and, in default of payment thereof by such occupier on demand, the same may be levied by distress of the goods and chattels of such occupier; and every such occupier shall be entitled to deduct, from the rent payable by him to his landlord, so much as is so paid by, or recovered from, him in respect of any such expenses.

Occupier not to be liable for more than the amount of rent due.

CLXXVI. No occupier of any building or land shall be liable to pay more money, in respect of any expenses charged by this Act on the owner thereof, than the amount of rent due from him, for the premises in respect of which such expenses are payable, at the time of the demand made upon him, or which at any time after such demand has accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Justices, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but

the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall lie upon such occupier; provided, further, that nothing herein contained shall be taken to affect any special contract, made between any such owner or occupier, respecting the payment of the expenses of any such works as aforesaid.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

CLXXVII. Whenever default is made by the owner of any building or land, in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the Justices, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings in case of tenants opposing the execution of this Act.

CLXXVIII. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Justice of the Peace, upon proof thereof, may give an order in writing, requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding fifty Rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties, to which he might otherwise have become liable by reason of default in executing such works.

Tanks, &c., vested in the Justices.

CLXXIX. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, existing at the time this Act comes into operation or afterwards made,

laid, or erected, and whether made, laid, or erected at the cost of the Justices or otherwise, and all bridges, buildings, engines, works, materials, and things, connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall be vested in, and belong to, the Justices.

Construction and maintenance of works for supply of water.

CLXXX. The Justices shall cause all existing public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, used for the supply of water to the inhabitants, or for the other purposes mentioned in this Act, to be continued, maintained, and supplied with water; or they shall substitute other such works, and shall cause them to be maintained and supplied with water; and the Justices may, with the sanction of the Government of Bengal, from time to time, construct aqueducts and lay pipes for bringing water into the Town, and may provide any number of new tanks, reservoirs, cisterns, wells, and other such water-works for the purpose aforesaid.

Fouling water by bathing.

Washing animals or things, &c.

Throwing rubbish, &c.

Allowing drains, &c., to flow into.

CLXXXI. Whoever, except as permitted by the Justices under Section CLXXXIV, bathes in any stream, tank, reservoir, well, cistern, conduit, or aqueduct belonging to the Justices, or washes, or causes to be washed therein, any horse, dog, or other animal, or any wool, cloth, or wearing apparel, or any utensils for cooking or other purposes, or leather, or the skin of any animal, or other foul or offensive thing; or throws, puts, or casts, or causes to enter therein, any animal, or any gravel, stone, dust, or rubbish, or any dirt, filth, or other noisome or offensive matter or thing; or causes or suffers to run, drain, or be brought thereinto, the water of any sink, sewer, drain, engine, or boiler, or any other unwholesome or offensive liquid matter or thing belonging to him or flowing from any house or building or

from any ground occupied by him; or does any thing whatsoever whereby any such water shall be in any degree fouled or corrupted—shall be liable to a penalty not exceeding fifty Rupees for each offence.

Water fouled by offensive trades.

CLXXXII. Whoever, being the proprietor of any gas-works, or being engaged or employed in the manufacture or supply of gas, or being the occupier or proprietor of any place where an offensive trade or manufacture is carried on, wilfully does any act connected with the said business whereby the water in any stream, tank, reservoir, well, cistern, conduit, aqueduct, or other water-works, belonging to the Justices, is fouled or corrupted, shall be liable to a penalty not exceeding one thousand Rupees, and to a further penalty, not exceeding five hundred Rupees, for every day while the offence is continued, after twenty-four hours' notice in writing, from the Justices in this behalf, and the Justices may, after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such persons; and if, upon such examination, it appears that the water has been fouled or corrupted by any thing proceeding from, or contained in, the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, and be recoverable from him as hereinafter provided; but if it appear that the water has not been so fouled or corrupted, then such expenses, and all damages occasioned by the examination, shall be paid by the Justices.

Injuring water-works, or diverting or wasting water.

CLXXXIII. Whoever wilfully or carelessly injures any water-works belonging to the Justices, or unlawfully draws off, diverts, or takes water from any such water-works, or from any water or streams, belonging to the Justices, by which such water-works are supplied, shall be liable to a penalty not exceeding one hundred Rupees.

CLXXXIV. The Justices may, at their discretion, set apart any public ghaut or place, or any part of the strand of any river (not being private property), for the purpose of being used as a bathing place; and may also provide or set apart a sufficient number of convenient tanks, or runs of water, for the inhabitants to bathe in, and may also set apart tanks or reservoirs, or runs of water, for washing animals or clothes, or for any other purpose connected with the health, cleanliness, and comfort of the inhabitants.

Justices may set apart bathing places, &c.

CLXXXV. The Justices may, in the manner hereinafter provided, make bye-laws—

Bye-laws to regulate—

For regulating all or any matters and things whatsoever connected with the water to be supplied by them, and the use of such water for any of the purposes mentioned in this Act;

The use of water.

And for regulating the time and places of bathing for persons of each sex, in the places provided or appointed by them for the purpose of bathing, in such manner as shall appear to the Justices necessary, making due allowance for the habits and customs of the country.

Bathing places.

CLXXXVI. When any private tank or low marshy ground, or any waste or stagnant water, being within any private enclosure, appears to the Justices to be injurious to health, or to be offensive to the neighbourhood, it shall be lawful for the Justices to require, by notice in writing, the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if he shall refuse or neglect to comply with such requisition during eight days from the service thereof, the Justices, their Officers, and workmen, may enter into the said premises, and do all necessary acts for all or any of the purposes aforesaid as they shall think fit; and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

Power to fill up unwholesome tanks, &c., on private premises.

Power to drain off, and cleanse, stagnant pools in open places.

CLXXXVII. The Justices are hereby empowered, from time to time, as they shall see fit, to drain off into any sewers belonging to them, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure), which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise; and the Justices, their Officers, and workmen, may do all necessary acts for effecting any of the purposes aforesaid.

Justices, in executing works, to provide roads, &c., where existing ones are injured.

CLXXXVIII. The Justices, in executing any works directed or authorized by this Act to be made, shall provide and make, at their own expense, a sufficient number of convenient ways, water-courses, drains, and channels, in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works; and, in case of any difference arising between the Justices respectively and the persons affected thereby, such difference shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Justices breaking up street, to restore the same with all convenient speed.

CLXXXIX. When the pavement or surface of any street, or when any sewer or drain, shall be opened or broken up by the Justices, their Officers, or servants, they shall, with all convenient speed, complete the work on account of which the same shall have been broken up, and fill in the ground, and make good the pavement and surface, and the sewer or drain, so opened or broken up, and carry away the rubbish occasioned thereby; and shall, in the meantime, cause the place where such pavement or surface shall be so opened or broken up, to be fenced and guarded, and sufficiently lighted during the night.

CXC. If the Justices deem it necessary, for the purposes of this Act, to raise, sink, or otherwise alter, the situation of any water-pipe or gas-pipe, or other water-works or gas-works, laid in any of the streets, they may, from time to time, by notice in writing, require the person to whom any such pipes or works belong, or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position, in such manner as the Justices direct; provided that such alteration be not such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby, shall be paid by the Justices, as well to the persons to whom such pipes or works belong, as to all other persons. And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Situation of gas and water-pipes to be altered at the expense of the Justices.

CXCI. If the person to whom any such pipes or works belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of such notice, to cause the same to be raised, sunk, or altered, in such manner as the Justices require, the Justices may themselves cause such pipes or works to be raised, sunk, or altered, as they may think fit, provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

If owner, &c, neglect to make alterations, the Justices may cause the same to be made.

CXCII. Every person intending to build or take down any building, or to alter or repair the outward part of any building, where any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, and having first obtained a license in writing from the Justices so

Hoards to be set up during repairs.

to do, cause sufficient hoards or fences to be put up, in order to separate the building, where such works are being carried on; from the street or footway, and shall continue such hoard or fence standing and in good condition, to the satisfaction of the Justices, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night; and every such person, who begins to build, or to take down, or alter, or repair, any building contrary to the provisions of this Section, or who, without license, erects or sets up any hoards, scaffolding, or fence whatsoever, or who, being licensed, fails to put up such fence or hoard, or to continue the same standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said hoards or fences are standing, keep the same sufficiently lighted during the night, or who does not remove the same, when directed by the Justices, within eight days, shall be liable to a penalty not exceeding fifty Rupees, and a further penalty, not exceeding fifty rupees, for every day while the offence is continued, after twenty-four hours' notice from the said Justices.

Bars to be erected across streets during repairs, and lights placed at night.

CXCIII. The Justices shall, during the construction or repair by them of any of the streets, sewers, or drains vested in them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses, and shall cause such bars, chains, or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles, cattle or horses, while such works are carried on, as to them shall seem proper; and the Justices shall cause any sewer or drain or other works in streets, during the construction or repair thereof by them, to be sufficiently lighted and guarded during the night; and whoever takes down, alters, or removes, any of the said bars, chains, or posts, or extinguishes any light, without the authority or consent of the Justices, shall be liable to a penalty not exceeding fifty Rupees.

Penalty for not lighting deposits of building materials or excavations.

CXCIV. No persons shall deposit any building materials, or make a hole, in any street without the permission of the Justices; and when such permission is granted to any person, he shall, at

his own expense, cause such materials, or such hole, to be sufficiently fenced and enclosed, until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night; and whoever deposits materials, or makes a hole, without such permission, or fails to fence or enclose, and light, such materials or hole, or does not remove such materials, or fill up such hole, when the permission has been withdrawn, shall be liable to a penalty not exceeding fifty Rupees, and a further penalty, not exceeding fifty Rupees, for every day while the offence is continued, after twenty-four hours' notice from the Justices.

Dangerous places near streets to be repaired or enclosed.

CXCV. If any building, tank, well, or hole, or other place, be, for want of sufficient repair, protection, or enclosure, dangerous to passengers, the Justices shall cause the same to be repaired, protected or enclosed, so as to prevent danger therefrom; and the expenses of such repair, protection, or enclosure, shall be paid to the Justices by the owner of the property so repaired, protected or enclosed, and shall be recoverable as hereinafter provided.

Regulation of certain Offensive Trades, and of Burial and Burning Grounds.

No place shall be used as a slaughter-house without a license from the Justices.

CXCVI. No place shall be used as a slaughter-house within the Town unless a license in writing for the use thereof as a slaughter-house has been obtained from the Justices, who are hereby empowered, at their discretion, from time to time, to grant such licenses: and whoever, without such license, uses as a slaughter-house any place within the Town, shall be liable to a penalty not exceeding two hundred Rupees, and to a penalty, not exceeding fifty Rupees, for every day after the the conviction for such offence during which the said offence is continued.

Justices to provide places for slaughter-houses.

CXCVII. The Justices may, from time to time, if they shall think fit, with the sanction of the Government of Bengal, provide places for the purpose of being used as slaughter-houses, and they may, in the manner hereinafter

provided, make bye-laws for, and with respect to, the management, regulation, and charges for the use of such places.

Markets, slaughter-houses, &c., to be properly drained.

CXCVIII. Every owner, or occupier, or farmer, of any market for the sale of butcher's meat, poultry, fish, or vegetables, or of any slaughter-house, within the Town, shall cause such drains to be made therein as shall be considered sufficient by the Justices, and if (required so to do by the Justices) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such market or slaughter-house in a clean and wholesome state; and if such owner, occupier, or farmer, after notice in writing given to him by the Justices that such market or slaughter-house is defective in any of the said particulars and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a penalty, not exceeding fifty Rupees for every day during which such default is continued.

Justices may make bye-laws for the inspection of slaughter-houses.

CXCIX. The Justices may, in manner hereinafter provided, make bye-laws for the inspection of all such markets, and of all slaughter-houses, within the Town, and for the management and conduct of the business therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once every twenty-four hours.

Sale of unwholesome food or drink.

CC. It shall be lawful for any Justice of the Peace, on the application of the Justices or any of their Officers, setting forth that there is just cause to believe that any article, which has been rendered or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold or offered or exposed for sale within the Town as food or drink for man, to grant a warrant to enter upon the premises of such person, and to search for and seize such article; and if it appear to the said Justice, upon the evidence of a competent person, that the same is noxious or unfit for such use, he shall order such article to be forfeited and disposed of in such way as to him shall seem proper.

Power to Justices to enter and inspect slaughter-houses, shops, &c., and to seize unwholesome articles exposed for sale.

CCI. The Justices, or any person appointed by them for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place used for the sale of butcher's meat, poultry, fish, or vegetables, or as a slaughter-house, and may examine any animal, carcase, meat, poultry, game, flesh, fish, or vegetables which may be therein; and in case any animal, carcase, meat, poultry, game, flesh, fish, or vegetables, appear to be intended for the food of man and to be unfit for such food, may seize the same; and if it appear to a Justice of the Peace, upon the evidence of a competent person, that such animal, carcase, meat, poultry, game, flesh, fish, or vegetables, is unfit for the food of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food, and the owner thereof, or the person in whose possession the same is found, shall be liable to a penalty not exceeding one hundred Rupees.

Suspension or revocation of license, &c.

CCII. The Justice of the Peace, before whom any person is convicted of an offence contrary to the provisions of this Act relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto made by virtue of this Act, in addition to the penalty imposed on such person under the authority of this Act, may suspend, for any period not exceeding two months, the license granted to such person under this Act; and the said Justices upon the conviction of any person for a second or other subsequent like offence, in addition to the penalty imposed under the authority of this Act, may declare the license granted under this Act revoked.

Penalty for using slaughter-houses during suspension or revocation of license.

CCIII. Whoever, during the period for which any such license is suspended, or after the same is revoked as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the slaughter-house to which such license relates, shall be liable to a penalty, not exceeding one hundered Rupees, for every day after

the conviction for such offence during which the said offence is continued.

Certain offensive and dangerous trades carried on within the Town, to be registered.

CCIV. The owner or occupier of every place within the Town, used at the time this Act comes into operation for any of the following purposes, namely, for melting tallow—or for boiling offal or blood—or as a soap-house—oil-boiling-house—dyeing-house—tannery—brick-pottery, or lime-kiln—sago-manufactory—or other manufactory or place or business from which offensive or unwholesome smells arise—or as a yard or depôt for hay, straw, wood, or coal—shall, within three months after this Act comes into operation, register the same at the Office of the Justices, in a book to be kept by them for that purpose: and whoever, after the expiration of the said three months, and after eight days' notice from the Justices, uses any such place without the same being registered, shall be liable to a penalty not exceeding one hundred Rupees for every day during which the offence is continued.

Penalty for establishing such trades without license.

CCV. No place shall be newly used within the Town for any of the purposes mentioned in the last preceding Section except under a license from the Justices, who are hereby empowered, at their discretion, from time to time, to grant such licenses; and whoever, without a license, uses any such place for such purpose, shall be liable to a penalty not exceeding five hundred Rupees, and a penalty, not exceeding fifty Rupees, for every day after the conviction for such offence during which the said offence is continued.

Justices to make rules for licensing, registering, &c., places used for such trades.

CCVI. The Justices may, in the manner hereinafter provided, make bye-laws for the inspection of every place within the Town used for any of the purposes mentioned in Section CCIV, and for the management and conduct of such business, whether the same be newly established or not, in such manner as they may think necessary and proper, in order to prevent or diminish the noxious or injurious or offensive effect thereof.

CCVII. If it be shewn, to the satisfaction of the Justices, that any place licensed under Section CXCVI or CCV, or registered under Section CCIV of this Act, is a nuisance to the neighbourhood, they may give notice to the occupier to discontinue the use of such place within one month; and whoever, after the expiration of that time, uses such place, or permits it to be used, in such a manner as to be a nuisance to the neighbourhood, shall be liable to a penalty, not exceeding two hundred Rupees, for every day during which it shall be so used.

Justices may, in certain cases, order the use of slaughter-houses, and the carrying on of dangerous and offensive trades, to be discontinued.

CCVIII. The Justices may, if they think fit, cause a survey and measurement to be made of every burial ground and every place used as such; and every such place, and every burning ground, existing at the time this Act comes into operation, shall, within one month after this Act shall have come into operation, be registered by the owner or the person having the control thereof, or, if there be no owner or person authorised to control the same, by order of the Justices, in a book to be kept by them for that purpose; and whoever, after the expiration of the said time, knowingly buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in or on any ground not so registered as a burial or burning ground, shall be liable to a penalty not exceeding one hundred Rupees.

Burial and burning grounds to be registered.

CCIX. No vault or grave shall be made within the walls of, or underneath, any church or chapel or other place of public worship built after this Act comes into operation, and no burial or burning ground, whether public or private, shall be opened, made, or formed, after this Act comes into operation, otherwise than by, or under the authority of, the Government of Bengal, without a license, describing the extent and boundaries thereof, first obtained from the Justices, who are hereby empowered, at their discretion, from time to time, to grant such licenses; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any vault, grave, or burial or

No vault or burial or burning place henceforth to be constructed without leave of the Justices.

burning ground, opened, made, or formed without such license, or contrary to the terms thereof, shall be liable to a penalty not exceeding five hundred Rupees.

Justices to issue certificates prohibiting the use of improper burial and burning places.

CCX. If, upon the evidence of competent persons, the Justices, with the sanction of the Government of Bengal, shall certify, in manner hereinafter provided, that any burial ground or place of burial, or any place used for the burning of corpses, is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of, or underneath, the same, or in any church-yard or burial ground adjacent thereto, and shall also certify that a fitting place for interment or burning (as the case may be) exists within a convenient distance and is available, it shall not be lawful, after a time (not less than two months) to be named in such certificate, to bury or burn, or permit or suffer to be buried or burned, any corpses, in, upon, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate; and whoever, after due publication of such certificate as hereinafter provided, buries or burns, or causes, permits, or suffers to be buried or burned, any corpse contrary to this enactment, shall be liable to a penalty not exceeding two hundred Rupees. Provided always that every such certificate shall be published in the Government Gazette, and that a translation thereof in Bengalee shall, in the case of a burial or burning ground, be affixed conspicuously on some part of the said ground.

Proviso.

Justices may, in certain cases, permit interment in churches, &c.

CCXI. Notwithstanding any such certificate as in the preceding Section mentioned, where by usage or otherwise there is at the time this Act comes into operation any right of interment in or under any church or chapel, or in any vault of such church or chapel, or of any church-yard, burial ground, or place of burial affected by such certificate, or where any exclusive right of inter-

ment, or any exclusive right to ground for the purpose of interment, has been purchased or acquired before this Act comes into operation, it shall be lawful for the Justices, if, on application made to them, they are satisfied that the exercise of such right or the use of such ground will not be injurious to health, to grant a license for such exercise or use, during such time and subject to such conditions and restrictions as they may think fit.

Justices may provide places to be used as burial or burning grounds.

CCXII. The Justices may, from time to time, out of the Municipal Fund, with the sanction of the Government of Bengal, provide fitting places to be used as burial or burning grounds.

Justices to make bye-laws for regulation of burial and burning grounds.

CCXIII. The Justices may, in manner hereinafter provided, make bye-laws for the inspection and regulation of burial and burning grounds, and may thereby prescribe rules as to the depth of graves and places of interment, and generally as to all matters connected with the good order of burial and burning grounds, due regard being had to the religious usages of the several classes of the community.

Rights of entry, and powers in reference to works.

Power to enter upon lands for the purposes of this Act.

CCXIV. The Justices shall, for the purposes of this Act, have power, by themselves or their Officers, between sunrise and sunset, to enter into and upon any building or land, as well for the purpose of making any survey or inspection which they may be entitled to make, as for the purpose of executing any work authorized by this Act to be executed by them, without being liable to any legal proceedings or molestation whatsoever on account of such entry or of any thing done in any part of such building or land in pursuance of this Act. Provided that, except when herein otherwise provided, the Justices or their Officers shall not enter upon any building or land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of his or their intention to do so.

Proviso.

CCXV. The Justices, or their Officers or servants, may enter upon the land of any person adjoining to, or being within the distance of one hundred yards of, any works by this Act authorized to be made, for the purpose of depositing upon such land, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said land, to the owner and occupier thereof, from time to time, and as often as any such temporary occupation shall be taken or such temporary damage done, and making compensation to the owner, also, for the permanent injury (if any) to such land; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses. Provided that, before the Justices make any such temporary use as aforesaid of the land adjoining or lying near to the said works, they shall give fourteen days' notice of such their intention to the owners and occupiers of such land, and shall set apart, by sufficient fences so much of the land as shall be required to be used as aforesaid, from the other land adjoining thereto.

Power to Justices to enter on lands adjacent to works.

Proviso.

CCXVI. Whoever at any time obstructs or molests any person employed by the Justices, or any person with whom they may have contracted under the provisions of this Act, in the performance and execution of their or his duty, or of any thing which they are respectively empowered or required to do by virtue or in consequence of this Act; or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act, shall be liable to a penalty not exceeding two hundred Rupees, or in the discretion of the Justice of the Peace before whom he is convicted, to imprisonment for any term not exceeding two month.

Penalty for obstructing persons employed by the Justices in their duty.

Powers to be exercised by the Justices when constructing drains and aqueducts without the Town.

CCXVII. For the purposes of laying pipes or constructing aqueducts for bringing water into the Town from any place without the limits thereof, or for the purpose of making sewers or drains to communicate with, or empty themselves into, any public sewer, lake, stream, canal, or water-course without the said limits, it shall be lawful, whenever a plan for laying any such pipes or constructing any such aqueduct, sewer, or drain, shall have been approved by the Government of Bengal, for the Justices and their Officers, with such assistants as they may require, to exercise, in the laying of such pipes and construction of such aqueduct, sewer, or drain throughout the line of country through which the said pipes, aqueduct, sewer, or drain are to run, all the powers which by this Act it is lawful for them to exercise within the Town, and which may be necessary for the laying of such pipes or the construction of such aqueduct, sewer, or drain without being subject to any action or molestation whatever for so doing; and it shall also be lawful for any Magistrate of any District, through which the said pipes, aqueduct, sewer, or drain are to run, to exercise, in respect thereof, the like powers and jurisdiction within the limits of his own District, as it is, by this Act, lawful for a Justice of the Peace to exercise in respect of any work to be executed by the Justices within the Town.

Power to make Bye-Laws.

Justices empowered to make bye-laws.

CCXVIII. It shall be lawful for the Justices from time to time to make bye-laws, and to repeal, alter, and amend the same, subject to the confirmation hereinafter mentioned, for the several purposes for which bye-laws are authorized by this Act to be made; and also to make bye-laws, and to repeal, alter, and amend the same, subject to such confirmation, for the guidance and control of persons employed by them, and for preserving order and cleanliness in the Town, and for carrying out any of the purposes of this Act. Provided that no such bye-law shall be repugnant to any law in force, and that no penalty for any one infringement of such bye-law shall

exceed twenty Rupees, and that, in the case of a continuing infringement, no penalty shall exceed ten Rupees for each day, after notice from the Justices of such infringement.

Bye-laws to be confirmed.

CCXIX. No bye-law, or alteration of a bye-law, shall have effect until the same is confirmed by the Lieutenant-Governor of Bengal.

Notice of confirmation.

CCXX. No bye-law, or alteration of a bye-law, shall be confirmed until the same has been published in the Government Gazette in English and in Bengallee at least seven times, nor till the space of one month has elapsed since the date of the first publication, during which period a copy of such proposed bye-law shall be kept at the Office of the Justices; and all persons may, at any time between ten o'clock in the morning and five o'clock in the afternoon, inspect such copy without fee or reward.

Publication of bye-laws.

CCXXI. Such bye-laws, when confirmed, shall be published in the Government Gazette in English and in Bengallee, and a copy thereof, in English and in Bengallee, shall be painted or placed on boards, which shall be hung up in some conspicuous part of the Office of the Justices.

Bye-laws to be judicially noticed.

CCXXII. All Courts and Magistrates shall take judicial notice of such bye-laws when the same shall have been confirmed and published as aforesaid.

Publication of penalties.

CCXXIII. The Justices shall publish short particulars of the several offences for which any penalty is imposed by this Act, or by any bye-law made under this Act, and of the amount of every such penalty, and shall cause such particulars, in English, Bengallee, and Oordoo, to be painted or placed on boards, which shall be hung up in some conspicuous part of the Office of the Justices.

General Provisions for carrying out the purposes of the Act.

Justices may direct prosecutions.

CCXXIV. The Justices may direct any prosecution for any public nuisance whatsoever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund. But nothing in this Section shall be held to hinder any person from prosecuting any other person for any nuisance.

Act not to affect nuisances at common law.

CCXXV. Nothing in this Act shall be construed to render lawful any act or omission on the part of any person, which is, or but for this Act would be deemed to be, a nuisance at common law, nor to exempt any person, guilty of a nuisance at common law, from prosecution or action in respect thereof.

No action to be brought against Justices or their Officers until after one month's notice of cause of action.

CCXXVI. No action shall be brought against the Justices, or any of their Officers, or any person acting under the direction of the Justices, for any thing done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the Office of the Justices, or at the place of abode of such person, explicitly stating the cause of action and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and upon the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action, except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant; and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards: and if any person to whom any such notice of action is given, shall, before action brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought; and

if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

Power to make compensation out of the Municipal Fund.

CCXXVII. The Justices may make compensation, out of the Municipal Fund, to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Justices, their Officers, or servants, under and by virtue of this Act.

Fees for licenses.

CCXXVIII. When any license is granted under the provisions of Sections CLXVIII or CXCVI of this Act, authorizing the use of any place for any of the purposes therein described, and when permission is given under Section CXXV for making any temporary erection, or under Section CXLI for putting up any projection, the Justices may charge a fee for such license or permission ; and the rates of the fees to be so charged shall be from time to time adjusted by the Justices with the sanction of the Government, provided that no such fee shall exceed the sum of one hundred Rupees. When permission or license is given, for the temporary occupation of any ground belonging to the Justices, under the provisions of Section CXCII or Section CXCIV, the Justices may charge rent for such ground, according to the time the occupation may continue, at such rates as may, from time to time, be sanctioned by the Government of Bengal.

Damages and expenses how to be determined.

CCXXIX. In all cases where any damages, costs, or expenses are by this Act directed to be paid, the amount of the same, in case of dispute, shall be ascertained and determined by a Judge of the Calcutta Court of Small Causes.

Method of proceeding before a Judge of a Court of Small Causes

CCXXX. In any case referred to a Judge of a Court of Small Causes under this Act, it shall be lawful for the said Judge, on the application of either party, to summon the other party to appear

before him, at a time and place to be named in such summons, and every such summons shall be served by delivering the original, or a copy thereof, to the person summoned, or by leaving the same at his usual or last known place of abode, with some adult male member or servant of his family. Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such Judge to hear and determine such question, and, for that purpose, to examine such parties or any of them, and their witnesses, on oath; and the costs of every such inquiry shall be in the discretion of such Judge, who shall determine the amount thereof.

Recovery of damages by distress.

CCXXXI. If the amount of damages, costs, or expenses, ascertained in the manner above described, be not paid by the party liable to pay the same, within seven days after demand, such amount may be recovered, under a warrant of the said Judge, by distress and sale of the goods and chattels of such party; and the overplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained.

Justices may sue in any competent Court instead of realizing by, or on failure of, distress.

CCXXXII. Instead of proceeding by distress and sale, and in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Justices may sue the person liable to pay the same in any Court of competent jurisdiction.

Recovery of fines and penalties.

CCXXXIII. *Clause* 1.—Every prosecution under this Act may be instituted before any Justice of the Peace, except in cases otherwise provided for; and every fine or penalty imposed under or by virtue of this Act or any bye-law made in pursuance thereof, may be recovered by a summary proceeding before a Justice of the Peace, upon information exhibited by order of the Justices, and, in default of payment of such fine or penalty, the same may be levied, under the warrant of such Justice of the Peace, by distress

and sale of the goods of such offender, with all such powers for the issuing of such warrant and upon the return thereof, as are exercised by a Magistrate of Police under Act XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras, and Bombay,)* and Act XLVIII of 1860 *(to amend Act XIII of 1856)*, or any other Act for regulating the Police of the Town of Calcutta in force for the time being.

Proviso.

Clause 2.—Every prosecution under Clause 2 of Section XVII of this Act shall be instituted in such manner as a prosecution uuder Section CLXI of the Indian Penal Code would be instituted, and before such Magistrate or Court as shall have authority to entertain charges and prosecutions in reference to the said last mentioned Section, and not otherwise.

How fines and penalties are to be applied.

CCXXXIV. The Justice of the Peace by whom any fine or penalty is imposed by virtue of this Act may award any portion, not being more than one-half thereof, to the informer, and shall order the remainder—or, if he make no award to the informer, the whole of such fine or penalty,—to be paid to the Justices, to be by them applied to the purposes of this Act.

No person liable to fine or penalty unless complaint be made within two months after offence committed.

CCXXXV. No person shall be liable to any fine or penalty under this Act for any offence made cognizable before a Justice of the Peace unless the complaint respecting such offence shall have been made before a Justice of the Peace within two months next after the commission of such offence.

Damage to the Justices' property to be made good in addition to penalty.

CCXXXVI. If through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the Justices shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty; and the amount of such damage shall, in case of dispute, be determined by the Justice of the Peace by whom the party incurring such

penalty shall have been convicted; and on non-payment of such damage on demand, the same shall be levied by distress, and such Justice of the Peace shall issue his warrant accordingly.

Police Officers to report offences to Justices, and to arrest unknown offenders.

CCXXXVII. It shall be the duty of all Police Officers to give immediate information to the Justices of any offence committed contrary to the provisions of this Act. Any Police Officer may arrest any person committing in his view any offence against any of the provisions of this Act, if the name and address of such person be unknown to him, or if such person decline to give his name and address, or if the Police Officer in question shall have reason to doubt the accuracy of such name and address, if given; and such person may be detained at the Station House until his name and address shall be correctly ascertained.

Certain provisions of this Act extended.

CCXXXVIII. If the Lieutenant-Governor of Bengal shall have determined that any portion of the environs of the Town shall be included in the system of sewerage and drainage authorized by this Act, and if the said Lieutenant-Governor shall have declared the boundaries thereof by Notification in the Calcutta Gazette, then Sections CL to CLXVI, both inclusive, of this Act, shall have effect within the boundaries so declared; and all such expenses and compensation as, under the said Sections and by the provisions of this Act, may be determined by a Judge of the Calcutta Court of Small Causes, may be ascertained and determined by the Judge of the Court of Small Causes having jurisdiction within such boundaries; and all penalties payable under the said Sections, and under the provisions of this Act, shall be enforced in the manner prescribed by Section LXI of the Code of Criminal Procedure, before the Magistrate having jurisdiction within such boundaries.

Recovery of expenses on account of improvements to private property.

CCXXXIX. Whenever the Justices shall have incurred any expenses in the execution of any of the works which under Sections CXXX, CLVII, and CLIX of this Act, the owners of any

premises, houses, or buildings are required to execute, the Justices may either recover the amount of such expenses in the manner therein provided, or, if they think fit, may take engagements from the said owners for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses with interest thereon at the rate of six per centum per annum, within a period not exceeding five years, and such sums, when due, may be recovered by the same process by which rates may be recovered under this Act.

Commencement of Act.

CCXL. This Act shall commence and take effect on and from the first day of July 1863.

SCHEDULE A,—*(referred to in Section XXXVII.)*

TAX ON CARRIAGES, HORSES, PONIES, AND MULES.

	Rupees per half year.
For every 4-wheel Carriage on springs drawn by 2 horses	12 0 0
If more than one such Carriage, then for every such Carriage after the first, two-thirds of the above rate.	
For every 4-wheel Carriage on springs drawn by one horse, or pony, or a pair of ponies under thirteen hands...	6 0 0
If more than one such Carriage, then for every such Carriage after the first, two-thirds of the above rate.	
For every 2-wheel Carriage on springs	6 0 0
For every Horse *(not a Race Horse)*	6 0 0
For every Race Horse	12 0 0
For every Pony under thirteen hands, or Mule ...	2 0 0

Ponies under eleven hands, and Children's Carriages, the wheels of which do not exceed twenty-four inches in diameter, are exempted.

SCHEDULE B,—(*referred to in Sections XLVII and LI.*)

LICENSE ON PROCESSIONS, TRADES, AND CALLINGS.

Class I.

	Yearly.
Every Joint Stock Company	100 Rs.

Class II.

Every Merchant, Banker, Shroff, Banian, Wholesale Trader, and Commission Agent, and every practising Surgeon, Physician, Dentist, Architect, Civil Engineer, Barrister, Attorney, Proctor, Notary Public, and Pleader of the High Court ...	50 ,,
Every Owner or Farmer of a Haut or Bazar ...	
Every Owner of Cotton, Jute, Hide, or other Screws, and every Auctioneer ...	
Every Hotel-keeper, Boarding House-keeper, Shop-keeper, Manufacturer, or Trader, whose shop or place of business is assessed under Section LV at 100 Rupees a month or upwards	

Class III.

Every Broker or Daloll employed in the wholesale transfer or purchase of Imports or Exports, or in the sale of Government Securities, Shares, and Bills of Exchange, or in procuring Freight ...	25 Rs.
Every Practising Licentiate of Medicine, Apothecary, and Veterinary Surgeon ...	
Every keeper of a Spirit Shop, Punch House, or Billiard Room, Wholesale Tobacco or Jute Depôt ..	
Every Hotel-keeper, Boarding House-keeper, Shop-keeper, Manufacturer, or Trader, whose shop or place of business is assessed under Section LV at more than 25 Rupees, but less than 100 Rupees a month ...	
Every Pawn-broker, and every person having a shop or place of business registered under Section CCIV or CCV ...	
Every Pleader, Mookhtear, or Law Agent, not included in Class II ...	

Class IV.

Every Hotel-keeper, Boarding and Lodging-house keeper, Shop-keeper, Manufacturer, or Trader, whose shop or place of business is kept in a Brick-house, but not included in Class II or Class III .	12 „
Every keeper of a permanent Stall at a daily public Market, or in a Chowk ...	
Every Poddar or Money Changer ...	
Every Hakeem, Koberaj, and Native Doctor, not included in any other Class ...	

Class V.

Every keeper of a Shop not included in any other Class, and every Daloll not included in Class III	4 „
Every Pedlar, Hawker, and Boxwallah ...	

Class VI.

All other itinerant dealers ... 1 Re.

NOTE.—A person who carries on several kinds of business and may come under more than one of the designations in this Schedule, shall be chargeable only under one of such designations, at the discretion of the Justices; and in the case of a Firm consisting of two or more persons, payment by any one of such persons shall be considered to be payment by the Firm.

SCHEDULE C,—(*referred to in Section LXXX.*)

NOTICE OF DEMAND.

TAKE notice that the Justices of the Peace for the Town of Calcutta demand from you the sum of due from* [you] as owner *(or occupier) (here describe the property or thing upon which the rate or tax is imposed)* for the months of 186 ; and that, if the sum due, together with for this notice, is not paid into the Office of the said Justices at or if sufficient cause for the non-payment of the sum is not shown to the Justices within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(L. S.) (*Signature of the Chairman, Vice-Chairman, or Secretary.*)

Date————

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* In the case of a demand under Section LXXXIV, state that notice of demand has been served upon the Owner, and that the sum due remains unpaid.

SCHEDULE D,—(*referred to in Section LXXX.*)

DISTRESS WARRANT.

To (*here insert the name of the Officer charged with the execution of the warrant.*)

WHEREAS of has not paid or shown sufficient cause for the non-payment of the sum of Rupees due for the rates (*or taxes*) (*or rates and taxes*) mentioned in the margin for the months of (186 although the said sum has been duly demanded in writing from the said and seven days have elapsed since the service of the notice of demand; This is to command you to distrain the goods and chattels of the said *or as the case may be, any goods and chattels found on the premises referred to*) to the amount of the said sum of Rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if, within seven days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale, the said sum of Rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said , you are to certify the same to us together with this Warrant.

(L.S.) (*Signature of the Chairman, Vice-Chairman, or Secretary.*)

SCHEDULE E,—(*referred to in Section LXXXI.*)

FORM OF INVENTORY AND NOTICE.

(*State particulars of goods seized.*)

TAKE notice that I have this day seized the goods and chattels specified in the above Inventory for the sum Rupees

due for the rates (*or taxes*) mentioned in the margin for the months of 186 ; and that, unless you pay into the Office of the said Justices of the Peace for the Town of Calcutta the amount due, together with the costs of this distress, within seven days from the day of the date of this notice, the goods and chattels will be sold.

(*Signature of the Officer executing the Warrant of Distress.*)

Date————

TABLE OF FEES PAYABLE IN DISTRAINTS UNDER THIS ACT,—(*referred to in Section LXXXII.*)

Sum distrained for.	Fee.	
	Rs.	As.
Under 5 Rupees	0	8
5 and under 10 Rupees	1	0
10 ,, 15 ,, ...	1	8
15 ,, 20 ,, ...	2	0
20 ,, 25 ,, ...	2	8
25 ,, 30 ,, ...	3	0
30 ,, 35 ,, ...	3	8
35 ,, 40 ,, ...	4	0
40 ,, 45 ,, ...	4	8
45 ,, 50 ,, ...	5	0
50 ,, 60 ,, ...	6	0
60 ,, 80 ,, ...	7	8
80 ,, 100 ,, ...	9	0
Above 100 ,, ...	10	0

The above charge includes all expenses, except when Peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.

SCHEDULE F.—(*referred to in Section XCIII.*)

FORM OF DEBENTURE.

THE Justices of the Peace for the Town of Calcutta.

Calcutta, the 186

No.

By virtue of the Act No. VI of 1863 of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, we, the Justices of the Peace for the Town of Calcutta incorporated under the said Act, in consideration of the sum of Rupees paid to us by A. B. of, promise to pay to the said or order the said sum of Rupees after the date hereof, together with interest thereon at the rate of per centum per annum, payable half-yearly on the day of and the day of

(*Signature of the Chairman or Vice-Chairman, and two Justices of the Peace.*)

SCHEDULE G.—*(referred to in Sections XCVI and XCVII.)*

18 BIRTHS IN THE DISTRICT OF

No.	When born.	Nationality or Caste.	Name, if any.	Sex.	Name of Father.	Profession of Father.	Signature, description, and residence of informant.	When registered.	Signature of Registrar.

SCHEDULE H.—(*referred to in Sections XCVI and XCVII.*)

18 DEATHS IN THE DISTRICT OF

No.	When died	Nationality or Caste.	Name.	Sex.	Age.	Profession.	Cause of Death.	Signature, description, and residence of Informant.	When registered.	Signature of Registrar.

Bengal Secretariat Press.—W. H. D'C.—300—15-12-74.

ACT No. I OF 1864.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the* 14*th January* 1864, *and of the Governor-General on the* 10*th February* 1864.)

An Act for regulating Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta.

Preamble.

WHEREAS it is expedient to regulate Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta; It is enacted as follows:—

Laws repealed.

I. Clause 3 Section XXIII of Act XXI of 1857 (*to make better provision for the order and good Government of the Suburbs of Calcutta and of the Station of Howrah*), and Clauses 8 and 9 Section XIX of Act XLVIII of 1860 (*for regulating the Police of the Towns of Calcutta, Madras and Bombay*), shall be of no effect in the Town and Suburbs of Calcutta as regards the drivers of Hackney Carriages under this Act.

Carriages to be registered and licensed.

II. Every Hackney Carriage, within the Town and Suburbs of Calcutta, shall be annually registered and licensed by a Registering Officer who shall be appointed for the purpose by the Government, and who shall keep a Register in which he shall on registration enter every Hackney Carriage under either the First, the Second, or the Third Class.

What Carriages to be registered under First Class.

III. No Carriages shall be registered under the First Class except Carriages which belong to Coach Builders, Hotel-keepers, or Livery Stable-keepers, and do not ply for hire on the public streets.

PRICE 2 ANNAS AND 6 PIES.

IV. The owner of any Carriage who is desirous of registering it as a Hackney Carriage must apply to the Registering Officer stating the Class in which he desires that the Carriage may be registered; and he shall submit the Carriage for the inspection of the Registering Officer at such convenient time and place as the said Officer shall appoint. The Registering Officer shall, on examination of the Carriage, decide whether the Carriage is fit to be registered in the Class applied for, and shall accordingly either register it in that Class, or refuse to grant the application.

Application for registry.

Application may be granted or refused.

V. The following particulars shall be entered in the Register :—

Form of Register.

1*st*.—The Class and the number assigned to the Carriage in the Register.

2*nd*.—The name and residence of the owner of the Carriage.

3*rd*.—The number of Horses to be employed in drawing such Carriage.

4*th*.—The number of persons the Carriage is licensed to carry.

VI. The registration shall take place annually upon such day in each year as the Registering Officer shall appoint: but any person wishing within the year to use as a Hackney Carriage, a Carriage not so in use on the last preceding day of annual registration, may have such Carriage registered on application to the Officer aforesaid. When any registered Carriage is transferred within the year, it shall be registered anew in the name of the person to whom it has been transferred. The person in whose name any Carriage is registered under this Act for the time being shall be deemed the owner of such Carriage for the purposes of this Act.

Period of Registry.

VII. A fee of three Rupees shall be paid for each registration of a Carriage of the First Class, and a fee of two Rupees for each registration of a Carriage of the Second or Third Class under this Act; and on any Carriage being registered in the Second or Third

Fee for Registry.

Class, the Registering Officer shall provide for such Carriage a plate bearing the Class and the number of such Carriage in the Register, and the number of persons it is licensed to carry, and shall cause such plate to be affixed in such conspicuous part outside of such Carriage as shall to the said Registering Officer seem proper.

A plate, specifying class and number, to be affixed to Carriage.

VIII. The owner of any Carriage registered either in the Second or in the Third Class, who shall allow such Carriage to be let or used for hire without having a proper plate duly affixed to such Carriage, as required by the preceding Section, shall be liable to a penalty not exceeding fifty Rupees.

Penalty for letting Carriage without having proper plate.

IX. Whoever keeps, or is the proprietor of, any Carriage required by this Act to be registered, and shall omit to have the same so registered, shall be liable to a fine not exceeding one hundred Rupees. Any Police Officer may seize and remove to a Police Station such Carriage together with the Horse drawing the same. If the Carriage, so seized, be not claimed, and if any fine imposed be not paid within ten days, such Carriage, together with the Horse seized with it, may be sold by auction, and the proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale, and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be forfeited to the Government.

Penalty for not registering.

X. The Registering Officer may cancel the registration of any Carriage under this Act, whenever it shall appear to him that such Carriage, or any Horse or Harness used with such Carriage, is unfit for public use, due regard being had to the Class in which such Carriage may have been registered.

Registry may be cancelled when Carriage is unfit for use.

XI. As often as any registered owner of a Carriage registered under this Act shall change his residence, he shall give notice thereof in writing signed by him to the said Registering Officer, specifying in such notice his new residence

Owner of registered Carriage to give notice of change of residence.

Every registered owner who shall change his residence and shall neglect for one week to give notice of such change, shall be liable to a penalty not exceeding twenty Rupees.

Penalty for neglect.

XII. Upon the expiration of the period for which any Carriage may have been registered under this Act, the owner thereof shall cause the plate of such Carriage, affixed under Section VII of this Act, to be delivered to the said Registering Officer; and any person who, after the expiration of the period aforesaid, shall wilfully neglect for three days to deliver the plate to the said Officer, and every person who shall use or detain any plate affixed in respect of a registration which is no longer in force, shall, for every such offence, be liable to a penalty not exceeding one hundred Rupees. Every person who shall for the purpose of deception use or have any plate resembling or intended to resemble any plate affixed under this Act shall, for every such offence, be liable to a penalty not exceeding two hundred Rupees. It shall be lawful for the Registering Officer, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up a plate, at any time within twelve calendar months after the expiration of the registration in respect of which such plate was affixed; and it shall be lawful for any Police Officer, or any person employed for that purpose by the Registering Officer, to seize and take away such plate, or any plate used for the purpose of deception as aforesaid, wheresoever the same may be found, and to deliver the same to the Registering Officer.

Penalty on owner for not delivering up plate on expiration of period of registry.

XIII. Whenever the writing on any plate shall become obliterated, or defaced, so that the same shall not be distinctly legible, and also whenever any plate shall be proved to the satisfaction of the Registering Officer to have been lost or mislaid, the owner of the Carriage in which such plate was affixed shall deliver such plate (if he shall have the same in his possession) to the Registering Officer, and shall be entitled to have a new plate affixed upon payment of such sum of

Owner entitled to have new plate, on loss or obliteration of former one.

money, not exceeding three Rupees, as the Registering Officer shall from time to time appoint. Provided that if any plate which shall have been proved as aforesaid to have been lost or mislaid shall afterwards be found, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such plate as last aforesaid shall be or come, and who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every registered owner who shall use or permit to be used any plate after the writing thereon shall have become obliterated, defaced, or obscured so that the same shall not be distinctly legible, shall, for every such offence, be liable to a penalty not exceeding fifty Rupees.

Proviso.

XIV. It shall be lawful for the Registering Officer to grant a license to act as driver of Hackney Carriages to any person who shall apply for the same, and to whom it may seem proper to the said Officer to grant it. Provided that no person shall be so licensed who is under fourteen years of age. In every such license shall be specified the number of the license and the name and place of abode and age of the person to whom such license is granted. Every license shall bear date on the day on which the same shall be granted, and shall continue in force for one year from the date thereof unless the same shall be sooner revoked.

Drivers of Hackney Carriages to be licensed. Particulars thereof.

XV. For every license to act as driver granted under this Act a fee of two Rupees shall be paid: and the Registering Officer shall, at the time of granting any license, deliver to the driver to whom the same may be granted, a metal ticket upon which shall be marked or engraved his employment and a number corresponding with the number which shall be inserted in the license. The driver to whom such ticket is delivered shall at all times, while acting as driver of a Hackney Carriage of the Second or Third Class, or while attending before any Magistrate, carry such ticket exposed to view.

Fee for license. Driver to wear a metal ticket.

Registering Officer may compound with owners of First Class Carriages.

XVI. The Registering Officer may at his discretion compound, for any period not exceeding one year, with Livery Stable-keepers and other persons keeping Carriages of the First Class for hire, for a certain sum to be paid in lieu of all fees payable during that period either for the registration of such Carriages or for the licenses of the drivers thereof.

No unlicensed person to act as driver.

Penalty on owner for suffering unlicensed person to act as driver.

Proviso.

XVII. It shall not be lawful for any person to act as driver of a Hackney Carriage, whether such person shall or shall not be the proprietor of such Carriage, unless such person shall have been licensed under this Act, and the license granted to him shall continue in force. Every owner who shall knowingly suffer any person, not duly licensed under this Act, to act as driver of any Hackney Carriage of which he shall be the owner, shall be liable to a penalty not exceeding one hundred Rupees for every such offence. Provided that nothing in this Act contained shall prevent any person hiring or using a Hackney Carriage from driving the same himself or shall subject to penalty any proprietor who shall himself act, or who shall employ any unlicensed person to act as such driver as aforesaid, for any time not exceeding twenty-four hours, or any unlicensed person who shall be so employed for the said time, upon proof being adduced by the proprietor, to the satisfaction of the Magistrate before whom such proprietor or driver shall be required to attend to answer for such offences respectively, that such employment was occasioned by unavoidable necessity. Provided also that every proprietor who shall so employ such unlicensed driver, and every such unlicensed driver, shall be subject to all the powers, provisions, penalties, and proceedings of and under this Act for any act done or omitted to be done by such driver during such employment, in like manner as if such driver had been duly licensed.

XVIII. The particulars of every license which shall be granted as aforesaid shall be entered in books to be kept for that purpose at the Office of the said Registering Officer; and every person applying at all reasonable times shall be furnished with a certified copy of the particulars respecting any licensed person on payment of a fee of two annas for each copy.

Particulars of licenses to be entered in books, and certified copy to be given, on payment of fee, to any person applying.

XIX. Upon the expiration of any driver's license granted under this Act, the person to whom such license shall have been granted shall deliver such license and the ticket relating thereto to the said Registering Officer; and every such person who, after the expiration of such license, shall wilfully neglect for three days to deliver the same to the said Officer, and also every person who shall use or wear or detain any ticket without having a license in force relating to such ticket, shall for every such offence be liable to a penalty not exceeding fifty Rupees. Every person who shall for the purpose of deception use or wear or have any ticket resembling or intended to resemble any ticket granted under the authority of this Act, shall for every such offence be liable to a penalty not exceeding one hundred Rupees. It shall be lawful for the Registering Officer, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up his license or ticket, at any period within twelve calendar months after the expiration of the license; and it shall be lawful for any Police Officer, or any person employed for that purpose by the Registering Officer, to seize and take away any such license and any such ticket, or any ticket used for the purpose of deception as aforesaid, wheresoever the same may be found, and to deliver the same to the Registering Officer.

Penalty for neglecting to deliver up ticket on expiration of license, or for wearing false ticket.

XX. Whenever the writing on any ticket shall become obliterated or defaced so that the same shall not be distinctly legible, and also whenever any ticket shall be proved to the satisfaction of the Registering Officer to

Driver entitled to have new ticket on loss or obliteration of former one.

have been lost or mislaid, the person to whom the license relating to any such ticket shall have been granted, shall deliver such ticket (if he shall have the same in his possession), and shall produce such license to the Registering Officer, and such person shall then be entitled to have a new ticket delivered to him, upon payment of such sum of money, not exceeding one Rupee, as the Registering Officer shall from time to time appoint: Provided always that if any ticket which shall have been proved as aforesaid to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such ticket as last aforesaid shall be or come, who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every person licensed under the authority of this Act who shall use or wear the ticket granted to him after the writing thereon shall be obliterated, defaced, or obscured, so that the same shall not be distinctly legible, shall for every such offence be liable to a penalty not exceeding twenty Rupees.

Fares to be paid for Carriages of the Second and Third Class.

XXI. The owner or driver of every Hackney Carriage registered for the time being in the Second or Third Class, shall be entitled to demand and take for the hire of such Carriage the fares set forth in the Schedule (A) to this Act annexed and no higher fares. Provided always that when the owner or driver of any such Hackney Carriage, to be paid a fare calculated according to the distance, shall be required by the hirer thereof to stop such Carriage for fifteen minutes or for any longer time, it shall be lawful for the owner or driver to demand and receive from the hirer so requiring him to stop, a further sum (above the fare to which he shall be entitled calculated according to the distance) of one-fourth of the rate for one hour, for every fifteen minutes that he shall have been so stopped: and no owner or driver shall demand or receive, over and above the said fare, any sum for back fare for the return of the Carriage from the place at which it was discharged. Provided also that nothing in this Act contained shall prevent any driver or owner from

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being bound by any contract, into which he may enter, to receive payment at a rate lower than that fixed by this Act.

Owner to keep table of fares inside Carriages of Second and Third Class.

XXII. The owner of every Hackney Carriage of the Second or Third Class shall put up and at all times keep distinctly printed, painted, or marked, in the English, Oordoo, and Bengalee languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such Carriage, the amount of fare according to distance and time which may legally be demanded and taken from the hirer of such Carriage as a Hackney Carriage.

Provision in cases of dispute.

XXIII. In the case of disputes as to the fare to be calculated according to the distance, any table or book signed by the Registering Officer shall, on proof of such signature, be taken to be conclusive evidence of all the distances therein stated to have been ascertained by the said Officer.

Second and Third Class Carriages may ply as Stage Carriages, and in such case provisions of Section XXI not to apply.

XXIV. It shall be lawful for any Hackney Carriage of the Second or of the Third Class to ply for hire as a stage Carriage. The owner or driver of a Carriage so plying for hire or hired as a stage Carriage shall not be subject to the provisions of Section XXI of this Act, but shall be entitled to demand and take, for the hire of such Carriage, such fares as shall be agreed upon between him and the several hirers respectively. All the other provisions of this Act shall be applicable to the case of Hackney Carriage plying as a Stage Carriage, so far as the same shall be applicable in each particular instance.

Stands to be fixed.

XXV. The Registering Officer shall, from time to time, appoint one or more Stands in the Town and Suburbs of Calcutta for Carriages registered under this Act, and may also assign for the use of such Carriages, as public Stands, any Coach Houses, or Stables, or Sheds, or other suitable places. Every public Stand so appointed or assigned shall have a board affixed in a conspicuous place in front thereof, containing a notice in the English, Oordoo, and

Bengalee languages, that the Stand is a public stand under. this Act.

Owner of registered Carriage to let it when required.

XXVI. Any owner or person in charge of any Hackney Carriage registered under this Act, who shall, without sufficient reason, refuse to let such Carriage for hire at the fares specified for the hire of the same under this Act, shall for each offence be liable on conviction to a fine not exceeding fifty Rupees.

To what distance and at what rate of speed driver to be bound to drive.

XXVII. The driver of every Carriage of the Second or Third Class registered under this Act, shall (unless he have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) drive such Carriage to any place to which he shall be required by the hirer thereof to drive the same, not exceeding six miles from the place where the same shall have been hired. Provided always that when any such Carriage shall have been hired by time the driver thereof may be required to drive at any rate not exceeding four miles within one hour, and if the driver of such Carriage shall be required to drive more than four miles within one hour, then in every such case the driver thereof shall be entitled to demand in addition to the fare regulated by time in Schedule (A) to this Act annexed, for every mile or any part thereof exceeding four miles, the fare regulated by distance as set forth in the same Schedule.

If required by hirer, such number of persons to be carried as the Carriage is licensed to carry.

XXVIII. The driver of every Carriage registered under this Act shall carry, in and by such Carriage, the number of persons which the Carriage is licensed to carry, or any less number of persons as may be required by the hirer thereof.

First and Second Class Carriage to carry reasonable quantity of luggage.

XXIX. The driver of every First and Second Class Carriage registered under this Act, shall carry in or upon such Carriage a reasonable quantity of luggage for every person hiring such Carriage, without any additional charge.

XXX. The driver of any Hackney Carriage who shall commit any of the following offences shall be liable to a penalty not exceeding ten Rupees for each offence, and in default of payment to rigorous imprisonment for any time not exceeding one month :—

Penalty on driver for certain offences.

1. Every driver of a Hackney Carriage who while acting as driver or attending before any Magistrate, shall omit to wear exposed to view the ticket delivered to him by the Registering Officer as hereinbefore provided, or who shall be drunk during his employment, or make use of insulting or abusive language or gesture.

2. Every driver of a Hackney Carriage who shall (elsewhere than at some Stand or other place appointed for the purpose), stand or loiter, for the purpose of being hired in or upon any public street, road, or place, or who shall suffer his Carriage to stand for hire across any street, or alongside of any other Carriage, or who shall refuse to give way (when he reasonably and conveniently may do so) to any other Carriage, or who shall wilfully obstruct, or hinder, the driver of any other Carriage in taking up or setting down any person into, or from, such other Carriage, or who shall wrongfully prevent, or endeavour to prevent, the driver of any other Carriage from being hired, or who shall leave his Carriage without some proper person to take care of it, in any street, or at any place of public resort or entertainment.

3. Every driver of a Hackney Carriage who shall demand or take more than the proper fare to which he is legally entitled, or who shall refuse to admit and carry in his Carriage the number of persons painted or marked on such Carriage or specified in the Register, or who shall carry more than such number of passengers, or who shall refuse to carry by his Carriage a reasonable quantity of luggage as provided for by this Act.

4. Every driver of a Hackney Carriage who shall not drive his Carriage at a reasonable and proper speed, that is to say, not less than four miles an hour, except in cases of

unavoidable delay, or when required by the hirer thereof to drive at any slower pace.

5. Every driver of a Hackney Carriage who shall ply for hire with any Carriage or Horse which shall be at the time unfit for public use.

6. Every person who shall act as the driver of a Hackney Carriage without having a license in force for the time being, or who shall transfer or lend or allow to be used or worn any license or ticket granted to him.

7. Every driver of a Hackney Carriage who shall refuse or omit to drive the same to any place within the limits laid down in Section XXVII of this Act, to which he may be required to drive by the hirer.

Revocation or suspension of driver's license on his conviction of any offence before a Magistrate.

XXXI. It shall be lawful for any Magistrate before whom any driver shall be convicted of any offence, whether under this Act or under any other Act, to revoke the license of such driver or to suspend the same for such time as the Magistrate shall think proper, and for that purpose to require the driver, or any other person, in whose possession such license, and the ticket thereto belonging, shall then be, to deliver up the same: and every driver or other person who, being so required, shall refuse or neglect to deliver up such license and such ticket or either of them, shall be liable to a penalty not exceeding twenty Rupees, so often as he shall be so required and refuse or neglect as aforesaid: and the Magistrate shall immediately send every license and every ticket delivered up to him under this Section to the Registering Officer, who shall cancel such license if it has been revoked by the Magistrate, or, if it has been suspended, shall, at the end of the time for which it shall have been suspended, re-deliver such license with the ticket (if it shall have come into the possession of the Registering Officer) to the person to whom it was granted.

Penalty on drivers on complaint of owners.

XXXII. Any driver employed as such by the owner of any Carriage registered under this Act, who shall, without sufficient excuse, refuse or neglect to attend at the premises of such owner for the

purpose of driving any such Carriage, whereby such owner is prevented from letting out the same, shall, on complaint, by such owner, be liable for each offence to a fine not exceeding ten Rupees which, or any part of which, may by order of the Magistrate be paid to the owner as compensation, and in default of payment to rigorous imprisonment for a term not exceeding one month.

Penalty for refusing to pay legal fare.

XXXIII. If any person hiring a Carriage, registered under this Act, shall refuse to pay on demand, to the owner or driver of such Carriage, the fare payable under this Act, such fare, and also such compensation to the owner for loss of time in attending before the Magistrate who shall hear the case, as to such Magistrate may seem reasonable, may be recovered as a fine to be paid to the owner.

Penalty for wilful injury to Carriage.

XXXIV. Any person using a Carriage registered under this Act, who shall wilfully or negligently injure the same, shall be liable on conviction to a fine not exceeding twenty Rupees, and shall also pay to the owner of the Carriage compensation for the injury. The amount of such compensation shall be determined by the convicting Magistrate, and shall be recoverable as a fine to be paid to the owner.

Disputes to be settled by Magistrate.

XXXV. In case of any dispute between the hirer and driver of a Carriage registered under this Act, the hirer may require the driver to drive to the nearest Police Station of the Town, or Suburbs, where the case shall be entered, together with the substance of the dispute, and the Inspector of Police at such Station shall report the same to the Officer appointed by Government as aforesaid. If any Magistrate be sitting, the hirer may require the driver to drive to the Court of such Magistrate, who shall hear and determine the dispute in a summary way.

Proprietors of Carriages to be summoned to appear and produce the drivers.

XXXVI. When a complaint is made before a Magistrate against the driver of a Carriage registered under this Act for any offence committed by him against the provisions of this Act, such Magistrate may forthwith summon the owner of the Carriage personally to appear,

and to produce the driver of such Carriage to answer the complaint. If such owner, being duly summoned, shall, without a reasonable excuse, neglect or refuse personally to appear, or to produce the driver according to such summons, he shall be liable to a penalty not exceeding fifty Rupees, and so from time to time as often as he shall be so summoned, until such driver shall be produced by him. Provided that if such owner shall, without a reasonable excuse, neglect or refuse to appear and produce such driver on the second or any subsequent summons requiring him so to do, it shall be lawful for the Magistrate to proceed to hear and determine the complaint in the absence of the owner and driver, or either of them.

On neglect on second summons, Magistrate may proceed.

XXXVII. No Palankeen shall ply or be let for hire within the Town or Suburbs of Calcutta, unless duly registered and numbered by the said Registering Officer. The number assigned to each Palankeen, and the name and residence of the owner, shall be entered in the Register. The registration shall be in force for one year and no more, and every change of ownership within that time shall be notified to the Registering Officer by the person in whose name the Palankeen is for the time being registered. A fee of eight annas shall be paid on each registration. The owner of every registered Palankeen shall cause the registered number thereof to be painted on a conspicuous part of the Palankeen. The owner of any Palankeen letting it for hire without being registered under this Act, or not having the prescribed number painted thereon, shall, for each offence, be liable to a penalty not exceeding ten Rupees. The person in whose name a Palankeen is for the time being registered, shall be deemed the owner thereof for the purposes of this Act.

Registration, &c., of Palankeens.

XXXVIII. The owner of every Palankeen shall put up and at all times keep distinctly printed, painted, or marked, in the English, Oordoo, and Bengalee languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such Palankeen, the amount of

Owner to keep table of fares inside Palankeen.

fare according to distance and time which may be legally demanded and taken from the hirer of such Palankeen.

Refusal or cancellation of registry.

XXXIX. The Registering Officer may refuse to register any Palankeen, or may cancel the registration thereof, whenever it may appear to him to be unserviceable or unfit for public use.

Fares for Palankeen.

XL. The owner of every Palankeen, shall be entitled to demand and for the hire of such Palankeen the fares set forth in the Schedule (B) to this Act annexed, and no higher fares.

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Provided always that, when the owner or persons in charge of any such Palankeen to be paid a fare calculated according to the distance, shall be required by the hirer thereof to stop such Palankeen for fifteen minutes, or for any longer time, it shall be lawful for the owner or person in charge to demand and receive from the hirer so requiring him to stop, a further sum (above the fare to which he shall be entitled calculated according to the distance) of one-fourth of the rate for one hour, for every fifteen minutes that he shall have been so stopped; and no owner or person in charge shall demand or receive, over and above the said fare, any sum for back hire for the return of the Palankeen from the place at which it was discharged: Provided also that nothing in this Act contained shall prevent any owner or person in charge from being bound by any contract, into which he may enter, to receive payment at a rate lower than that fixed by this Act.

Penalty for refusing to let Palankeen.

XLI. The owner or person in charge of any Palankeen registered under this Act who shall, without sufficient reason, refuse to let such Palankeen for hire at the fares specified for the hire of the same in Schedule (B) to this Act annexed, shall be liable for each offence to a penalty not exceeding ten Rupees.

All property found in registered Carriages or Palankeens to be made over to Police.

XLII. All property left in any Carriage or Palankeen registered under this Act shall be deposited by the driver or the bearers thereof, as the case may be, at the nearest Police Station within twenty-four hours, if not sooner

claimed by the owner. Such property shall be returned to the person who shall prove to a Magistrate that the same belonged to him, on payment of all expenses reasonably incurred, or of such reasonable sum to the driver or bearers as such Magistrate shall award; and any driver of a registered Carriage or any of the bearers of any Palankeen registered under this Act, who shall neglect so to deposit all property left in any such Carriage or Palankeen, shall be liable on conviction to a penalty not exceeding fifty Rupees.

To what distance and at what rate of speed bearers of Palankeen bound to go.

XLIII. The bearers of every Palankeen registered under this Act shall (unless they have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) carry such Palankeen to any place to which they shall be required by the hirer thereof to carry the same, not exceeding five miles from the place where the same shall have been hired; provided always that when such Palankeen shall have been hired by time, the bearers thereof may be required to carry it at any rate not exceeding two and a half miles within one hour, and if the bearers of such Palankeen shall be required to carry it more than two and a half miles within one hour, then in every such case they shall be entitled to demand in addition to the fare regulated by time in Schedule (B) to this Act annexed, for every mile or any part thereof exceeding two and a half miles, the fare regulated by distance as set forth in the same Schedule. All the provisions hereinbefore contained as to offences by the owners and drivers of Hackney Carriages shall, save as is otherwise expressly provided, be applicable, so far as the same may reasonably be applied, to the owners and bearers of Palankeens.

Provisions of Act regarding owners and drivers of Carriages to be applicable to owners and bearers of Palankeens.

Amends for frivolous complaints.

XLIV. In every case in which any complaint of any offence under this Act shall be laid or made before any Magistrate and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for making the complaint, the

Magistrate shall have power to award such amends, not exceeding twenty Rupees, to be paid by the complainant to the person complained against, or to the owner of a Carriage if summoned under Section XXXVI of this Act, or to both, for their loss of time and expenses in the matter, as to the Magistrate shall seem meet. Such amends shall be recoverable in the manner provided for levying fines under this Act.

Adjudication of penalties.

XLV. All complaints as to offences against this Act shall be heard and determined by a Magistrate within whose local jurisdiction the offence may be alleged to have been committed: and the provisions for the recovery of fines contained in Section LXI of Act XXV of 1861 (*the Code of Criminal Procedure*) shall apply to all fines and penalties imposed under this Act by any Magistrate in the Suburbs of Calcutta; and the provisions of Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay,*) and of Act XLVIII of 1860 (*to amend Act XIII of* 1856), or any other Act for regulating the Police of the Town of Calcutta in force for the time being, shall apply to all fines and penalties imposed under this Act by any Magistrate of Police for the Town of Calcutta. All penalties and fees to be levied under this Act shall be disposed of in such manner as the Lieutenant-Governor of Bengal from time to time shall direct.

Disposal of penalties and fees.

Complaints by whom to be made.

XLVI. No complaint shall be entertained by any Magistrate unless it shall be made by the person aggrieved, or by the Registering Officer, or some person specially appointed by him to make such complaint.

Limits of the Suburbs.

XLVII. The limits of the Suburbs of Calcutta shall, for the purposes of this Act, be taken to be the limits as defined in Act XXI of 1857 (*to make better provision for the order and good Government of the Suburbs of Calcutta and of the Station of Howrah*), and this Act shall have effect in the Town of Calcutta and within the said limits, and not elsewhere.

XLVIII. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say)—

Interpretation.

The word "Magistrate" in this Act shall mean any Magistrate of Police for the Town of Calcutta, and any person lawfully exercising in the Suburbs of the said Town the full powers of a Magistrate, and any Assistant to a Magistrate or Deputy Magistrate specially authorised by Government to exercise in the said Suburbs the powers vested by this Act in a Magistrate.

"Magistrate."

The words "Hackney Carriage" in this Act shall mean any Carriage used or intended to be used for conveying passengers for hire from any place in the Town of Calcutta or the Suburbs thereof. Provided always that the term "Hackney Carriage" shall not include any Carriage used wholly upon any Railway.

"Hackney Carriage."

The words "Stage Carriage" in this Act shall mean any Hackney Carriage, the passengers in which shall be charged, or shall pay, separate and distinct fares, or shall be charged, or pay at the rate of separate and distinct fares, for their respective places or seats therein, or conveyance thereby.

"Stage Carriage."

The term "Horse" shall include Mules and Ponies.

"Horse."

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Number.

Words importing the masculine gender shall include the feminine.

Gender.

XLIX. This Act shall come into operation on the first day of March 1864.

Commencement of Act.

SCHEDULE (A).

Rates and Fares to be paid for Hackney Carriages of the Second and Third Class.

Description of Carriage.	Fare by Distance.		Fare by Time.			
	For any distance within and not exceeding one mile.	For every mile or part of a mile beyond one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day, or five hours.	For a whole day consisting of nine hours.
Second Class	8 Annas.	4 Annas.	12 Annas.	6 Annas.	2 Rupees.	3 Rupees.
Third Class	3 Annas.	2 Annas.	6 Annas.	3 Annas.	1 Rupee.	1 Rupee 8 Annas.

The above Fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the Fare to be paid according to time.

SCHEDULE (B.)

Rates and Fares to be paid for Palankeens.

Fare by Distance.		Fare by Time.			
For any distance within and not exceeding one mile.	For every mile or part of a mile beyond one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day, or five hours.	For a whole day consisting of nine hours.
3 Annas.	2 Annas.	5 Annas.	2 Annas 6 Pies.	12 Annas.	1 Rupee 4 Annas.

The above Fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the Fare to be paid according to time.

ACT No. II OF 1864.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 11th February 1864, and of the Governor-General on the 24th idem.)

An Act for the regulation of Jails and the enforcement of discipline therein.

Preamble.

WHEREAS it is expedient that the laws relating to Jails in the Provinces under the control of the Lieutenant-Governor of Bengal should be consolidated and amended; It is enacted as follows:—

Laws repealed.

I. Sections XX, XXI, and XXV of Regulation IX of 1793; Sections I, II, III, IV, V, VI, VII, VIII, X, and XIV of Regulation XIV of 1816; so much of Clauses 2, 3, 4, 5, 6, and 7 of Section VII of Regulation XVII of 1816 as relates to the appointment of Jailors and persons employed in Jails; and Clauses 4 and 5 of Section XVII and Sections XVIII and XX of the same Regulation; Regulation III of 1826; Section VII of Regulation II of 1834; Section VII of Act XXIV of 1837; Section VIII of Act XXIII of 1840; and Act XVIII of 1844;—so far as they relate to the Bengal Division of the Presidency of Fort William—shall cease to have effect, except so far as they repeal or modify the whole, or part of, any other Regulation or Act.

II. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the context repugnant to such construction, that is to say—

Interpretation.

The words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of a District or place in criminal matters by whatever designation such Officer is called.

"Magistrate of the District."

The word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate.

"Magistrate."

The words "the powers of a Magistrate" shall imply the full powers of a Magistrate.

"The powers of a Magistrate."

The words "Criminal Court" shall denote every Judge or Magistrate lawfully exercising jurisdiction in criminal cases whether for the decision of such cases in the first instance or an appeal, or for commitment to any other Court or Officer.

"Criminal Court."

The local jurisdiction of the Magistrate of a District or place shall, for the purposes of this Act, be deemed a "District," and the local jurisdiction in a particular part of a District vested in a Magistrate other than the Magistrate of the District shall be deemed a "Division of a District."

"District."

"Division of a District."

Words importing the masculine gender shall include the feminine, and words importing the singular number shall include the plural.

Gender.
Number.

III. In every District there shall be maintained a Civil Jail, and a Criminal Jail, for the imprisonment of persons lawfully committed to such Jails respectively. Jails of the like description shall be maintained in every Division of a District wherein the Government of Bengal may deem them to be necessary.

Civil and Criminal Jails to be maintained in every District.

IV. In such places as the Government shall appoint, there shall be maintained Central Jails for the imprisonment therein of such persons committed to prison by Criminal Courts as the Government may deem to be proper subjects for such imprisonment.

Central Jails to be maintained.

V. The Civil and Criminal Jail in every District shall be under the control of the Magistrate of the District, or of any Magistrate to whom the Magistrate of the District may temporarily make over the control thereof, unless the Government shall invest some other Officer with the control thereof; and the Jails in any Division of a District shall be under the control of the Magistrate who shall be in charge of such Division, acting under the instructions of the Magistrate of the District.

Civil and Criminal Jails to be under the control of the Magistrate or Officer appointed.

VI. Every Central Jail shall be under the control of a Superintendent to be appointed by the Government, and such Officer shall be invested with the powers of a Magistrate to be exercised for the purposes of this Act.

Central Jail to be under control of a Superintendent, who shall be invested with the powers of a Magistrate.

VII. The Government shall from time to time make such Rules as may appear necessary for the supervision, employment, custody, dieting, and treatment of prisoners, and for the management of Jails; and shall from time to time appoint such Visiting and Medical Officers for Jails as may be considered necessary for securing the observance of such Rules and for the due care of the prisoners. The Commissioner of the Division and the Judge of the District shall respectively be ex-officio Visiting Officers within the Division or District.

Government to make Rules and appoint Visiting and Medical Officers.

VIII. The Lieutenant-Governor of Bengal shall appoint such person or persons as he shall think fit to inspect and superintend, subject to the orders of the Government, the Jails in every District in the said Provinces, and shall vest in such person or persons such authority for the purpose as may seem proper.

Lieutenant Governor to appoint a person or persons to inspect and superintend Jails.

IX. Under such Rule as the Government shall prescribe in this behalf there shall, for every Jail, be appointed a Jailor.

A Jailor to be appointed for every Jail.

X. No prisoner shall be discharged except in presence of the Officer in whom the control of the Jail shall be vested, or of a Magistrate.

Discharge of prisoners.

XI. Under such Rule as the Government shall prescribe in this behalf, it shall be lawful for the Officer in whom the control of a Jail shall be vested, to order the immediate release of any prisoner suffering from disease likely to cause death.

Release of prisoners in certain cases.

XII. Whenever it shall appear to the Government that the number of prisoners in any Jail is greater than can conveniently or safely be kept within such Jail, or whenever any epidemic disease may make its appearance within such Jail, it shall be lawful for the Officer in whom the control of such Jail shall be vested to provide, in such manner as the Government may order, for the temporary shelter and safe custody of such prisoners as may be in excess of the greatest number that can be conveniently or safely kept in the Jail, or of prisoners who would be at the risk of suffering from such disease. Prisoners for whom such temporary shelter may be provided shall be subject to the same Rules as if they were within the Jail.

Temporary shelter of prisoners when Jail is overcrowded, or in case of disease spreading therein.

XIII. All property or money in respect whereof no order of a competent Court shall have been made, which shall be delivered with or found upon the person of a prisoner sentenced by a Criminal Court when received into a Jail shall, during such prisoner's term of imprisonment, be taken charge of by the Officer in whom the control of the Jail shall be vested, under such Rule for the safe custody thereof as the Government shall prescribe. Provided that such Officer may, at his discretion, make over such property or money belonging to the prisoner to whomsoever such prisoner may indicate.

Property of prisoner to be taken charge of during his imprisonment.

Proviso.

Classification of prisoners.

XIV. Prisoners shall be classified and kept apart and in separate confinement in such manner as the Government shall by Rule prescribe. Provided that male prisoners of all classes shall be kept apart from female prisoners; prisoners committed to the Civil Jail from prisoners committed to the Criminal Jail; and prisoners convicted of offences from prisoners not convicted.

Punishment for breaches of Rules and of Jail discipline.

XV. It shall be lawful for the Officer in whom the control of a Jail shall be vested to inquire into all breaches of the Rules that may be made under this Act, and to punish prisoners guilty of any breach thereof, or of violent or refractory conduct, or of using insolent language, or of refusing or wilfully neglecting to perform the work, or of wilfully mismanaging the work allotted to them, or of wilfully disabling themselves for labor, by reduction of diet to such extent as the Government shall by Rule prescribe, by separate confinement or confinement in irons for not more than seven days, or by corporal punishment not exceeding thirty stripes of a rattan. Provided that corporal punishment or confinement in irons shall not be inflicted on any female prisoner or on any person imprisoned in a Civil Jail.

Persons employed in Jails to be subject to Rules made by Government.

XVI. All persons employed within any Jail or in keeping prisoners in custody shall be subject to such Rules as may be made by the Government for their good order and discipline and for regulating communication with prisoners, and it shall be lawful for the Government to affix fines as penalties for the breach of any such Rules, provided that no such penalty shall exceed fifty rupees. Copies of such Rules shall be exhibited in some place to which all persons employed within the Jail or in keeping prisoners in custody have access, and the Officer in whom the control of the Jail shall be vested shall have authority to punish persons offending against such Rules.

XVII. Whoever, without due permission, takes or attempts to take, or introduces or attempts to introduce, or throws or attempts to throw, into any part of a Jail, any article prohibited by the Rules to be made under this Act, or communicates or attempts to communicate with any prisoner in any mode contrary to such Rules, shall be liable to be apprehended and brought before a Magistrate, and on conviction shall be liable to a fine not exceeding fifty rupees, or to imprisonment, simple or rigorous, for any term not exceeding two months.

Punishment for taking or attempting to take prohibited articles into a Jail.

XVIII. The Officer in whom the control of a Jail shall be vested shall keep a book, in which he shall record all cases of punishments inflicted by him under this Act, stating the charge, the manner in which it was supported by evidence, and the order made. And no person who has been punished by such Officer under the provisions of this Act shall be punished in any other way or by any other authority for the same offence. Provided that nothing in this Act shall be held to prevent the Officer in whom the control of a Jail shall be vested from committing any prisoner or person employed within any Jail or in keeping prisoners in custody, for trial before a Magistrate or Sessions Court whenever such prisoner or person shall have been guilty of an offence for which the punishment authorized to be inflicted under this Act may appear inadequate.

Punishments awarded for breaches of Jail discipline to be recorded in a book. No further punishment for the same offence.

Offender may be committed to the Sessions.

XIX. Nothing in this Act shall affect Act IV of 1862, passed by the Lieutenant-Governor of Bengal in Council, entitled "An Act for the better enforcement of discipline in the Great Jail at Calcutta.

This Act not to affect Act IV of 1862.

XX. This Act shall come into operation on such day as the Lieutenant-Governor of Bengal shall fix by notification in the Calcutta Gazette.

Commencement of Act.

Bengal Secretariat Press.—D. E. J.—300—3-12-74.

DISTRICT MUNICIPAL IMPROVEMENT ACT.

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ACT No. III of 1864.

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 2nd March 1864, and of the Governor-General on the 28th idem.)

An Act to provide for the appointment of Municipal Commissioners in Towns and other places in the Provinces under the control of the Lieutenant-Governor of Bengal, and to make better provision for the Conservancy, Improvement, and Watching thereof, and for the levying of Rates and Taxes therein.

Preamble.

Whereas it is expedient to provide for the appointment of Municipal Commissioners in Towns and other places in the provinces under the control of the Lieutenant-Governor of Bengal, and to make better provision for the conservancy, improvement, and watching thereof and for the levying of rates and taxes therein: It is enacted as follows:—

Short Title.

I. This Act may be cited as the "District Municipal Improvement Act."

Interpretation.

II. The following words and expressions in this Act shall have the several meanings hereby assigned to them, except where a different intention shall appear from the context, that is to say:—

Magistrate.

The word "Magistrate" shall mean any person exercising all or any of the powers of a Magistrate.

"House."

The word "House" shall include any shop or warehouse.

"Bazar."

The word "Bazar" shall include any place of trade where there is a collection of shops or warehouses, and any place where a market is held.

"Place."

The word "Place" shall mean any town, suburb, station, bazar, village, or tract of country, the limits of which shall be defined as in this Act provided, and shall include any number of the same when declared to be united as in this Act provided.

"Land."

The word "Land" shall include buildings with their appurtenances, and shall include plantations and gardens.

"Highway."

The ward "Highway" shall mean any road, street, square, court, ally, or passage, whether a thoroughfare or not, over which the public have a right of way; and also the roadway over any public bridge or causeway.

"Owner."

The word "Owner" shall mean the person for the time being receiving the rent of land and buildings, or either of them, whether on his own account or as agent or trustee, for any other person, or who would so receive the same if such land were let to a tenant. Provided that no person receiving rent of land as agent or trustee for another person shall be liable to pay any assessment made under this Act, unless he have sufficient funds of the actual owner to pay for the same.

Horse.

The word "Horse" shall include ponies and mules.

Person.

The word "Person" shall include any company, association, or body of persons, whether incorporated or not.

Number.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender.

Words importing the masculine gender shall include the feminine.

Places of operation of this Act.

For purposes of this Act, Lieutenant-Governor may define limits of places, &c., and create unions of places.

III. For the purposes of this Act, the Lieutenant-Governor of Bengal may, from time to time by notification in the *Calcutta Gazette*, define the limits of any town, suburb, station, bazar, village or tract of country in the vicinity thereof not being within the limits of the Town of Calcutta, and may, from time to time by such notification, declare to be united for the purposes of this Act, any number of such places, or any parts thereof, and may declare who shall be deemed inhabitants within the meaning of this Act of any such place, and by what name such place shall be designated.

Act not to take effect until limits of place, &c., have been defined and Act extended thereto.

IV. The provisions of this Act shall not take effect in any place so defined or declared to be united as aforesaid, until this Act shall have been extended thereto by the Lieutenant-Governor of Bengal by notification in the *Calcutta Gazette*.

Certain laws to have no effect in places to which this Act is extended.

V. Act XXVI of 1850 (*to enable improvements to be made in Towns*); Sections IX, X, XI, XII, XIII, and XXXVI of Act XX of 1856 (*to make better provision for the appointment and maintenance of Police Chowkeydars in cities, towns, stations, suburbs, and bazars, in the Presidency of Fort William in Bengal*), together with so much of the last mentioned Act as relates to the collection of the taxes therein mentioned, Act XII of 1858 (*for raising funds for making and repairing roads in the Suburbs of Calcutta and the Station of Howrah*); and Sections XXV to XLIX inclusive of Act XXI of 1857 (*to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah*), shall, in every place to which this Act shall be extended, cease to have effect, except so far as they repeal the whole or any part of any Regulation or Act, and except as to any assessment made, or to any act done, or to any liability incurred, or to any money due, or to any proceedings commenced, in such place, before this Act shall have effect therein. If in any place to which this Act shall be extended, Commissioners shall have been appointed under

said Act XXVI of 1850, all property and rights of every kind vested in such Commissioners shall, on the date on which this Act shall have effect in such place, become vested in the Municipal Commissioners appointed under this Act, and all actions and suits brought against such former Commissioners, in respect of any contracts entered into by them, may be carried on by and against the said Municipal Commissioners.

Appointment in such places of Municipal Commissioners; their powers and duties.

Appointment and removal of Commissioners in places for purposes of this Act.

VI. In any place to which the operation of this Act shall have been extended, the Lieutenant-Governor of Bengal shall appoint, for such period as to him may seem fit, any number, not less than seven, of the inhabitants thereof to be Municipal Commissioners for carrying out in such place the purposes of this Act, and the said Lieutenant-Governor may from time to time remove any of such Municipal Commissioners, add to their number, and fill up vacancies occurring among them: and every such Commissioner shall, for the purposes of this Act, be invested with the powers of a Magistrate under Section XXIII of the Code of Criminal Procedure.

Ex-officio Commissioners.

VII. In addition to the Municipal Commissioners to be appointed as aforesaid, the persons for the time being filling the following offices shall be *ex-officio* Municipal Commissioners for every place to which this Act shall be extended; that is to say, the persons filling the offices of—

The Commissioner of the Division.
The Magistrate of the District.
The Executive Engineer.

Magistrate of District to be *ex-officio* Chairman of Municipal Commissioners.

VIII. The Magistrate of the District for the time being shall, *ex-officio*, be Chairman of the Municipal Commissioners for each place within the District under his charge, and such person as the Lieutenant-Governor of Bengal shall from time to time appoint shall be their Vice-Chairman.

Municipal Commissioners empowered to sue and be sued, to hold property, and enter into contracts.

IX. The Municipal Commissioners of each place shall sue and be sued in the name of their Chairman by the description of "The Chairman of the Municipal Commissioners of ," and in such name so described they shall be competent to hold property, moveable and immoveable, and to convey the same, and to enter into all necessary contracts for the purposes of this Act. Any deed, contract, or other instrument so made on behalf of the said Municipal Commissioners may be executed by their Chairman or Vice-Chairman.

Public highways vested in the Commissioners.

X. All public highways in any place to which this Act shall be extended (not being the property of and repaired by and kept under the control of the Government, and not being private property) existing at the time this Act comes into operation, or which shall afterwards be made, and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such highways, shall vest in and belong to the Municipal Commissioners.

Commissioners may, with consent of owners, take over and repair certain highways.

XI. It shall be lawful for the Municipal Commissioners to agree with the person or persons in whom the property in any highway is vested, to take over the property therein, and after such agreement to declare by notice in writing put up in any part of such highway that the same has become a public highway. Thereupon such highway shall vest in the Municipal Commissioners, and shall thenceforth be repaired and kept up out of the Municipal Fund.

What shall constitute the Municipal Fund.

XII. All monies, rents, and profits received by the Municipal Commissioners of any place, and all fines, fees, and penalties paid or levied under this Act, shall constitute a fund which shall be called the Municipal Fund of such place, and shall, together with all property of every nature or kind which may become vested

in the said Commissioners, be under their control, and shall be applied by them as Trustees for the purposes of this Act.

Power to purchase and sell lands.

XIII. The Municipal Commissioners may agree with the owners of any land for the purchase thereof for the purposes of this Act, and may sell any land not required for such purposes either together or in parcels, and the proceeds of such sale shall be applied for the purposes of this Act.

Mode of ascertaining compensation for land, &c.

XIV. When the Municipal Commissioners may be unable to agree with the owners of any land for the purchase thereof, the Lieutenant-Governor of Bengal may, upon the representation of the Commissioners, and after such enquiry as may be thought proper, declare that the land is needed for a public purpose, and may order proceedings for obtaining possession of the same for the Government and for determining the compensation to be paid to the parties interested, according to any law now or hereafter to be in force for the acquisition of land for public purposes. On payment by the Municipal Commissioners of the compensation awarded, such land shall vest in them for the purposes of this Act.

Purposes to which the Municipal Fund shall be applied.

XV. The Municipal Commissioners, after providing out of the Municipal Fund for the maintenance of sufficient Police Officers in the manner hereinafter described, shall make, repair, and keep properly cleansed and repaired, the roads, streets, drains, and tanks, and generally shall do all things necessary for the purposes of conservancy.

With sanction of Government, Municipal Commissioners may carry out works of public utility.

XVI. With the sanction of the Lieutenant-Governor of Bengal the Municipal Commissioners may, if they shall at a meeting resolve upon such expenditure, out of the said Fund, make, maintain, and repair any work of public utility, such as any tunnel, bridge, drainage work, work for the supply of water or for lighting streets, work for the improvement

of a river or harbour, dock, wharf, ghât, or quay; also all works subsidiary to such works. It shall be lawful for the Lieutenant-Governor of Bengal, by notification in the *Calcutta Gazette*, to order that any other class of works, or any particular work other than those named above, shall be included among works of public utility within the meaning of this Act.

Municipal Commissioners to keep an office for the transaction of business.

XVII. The Municipal Commissioners shall keep an Office where they shall meet for the transaction of business at least twice in every month, and as often as a meeting shall be called by the Chairman or Vice-Chairman; and all questions which may come before them at any meeting, shall be decided by a majority.

Who to preside at meetings of the Municipal Commissioners.

XVIII. The Chairman or, in his absence, the Vice-Chairman shall preside at every such meeting, and in the absence of both the Chairman and Vice-Chairman, the Municipal Commissioners shall choose some one of their number to preside. In cases of equality of votes, the President shall have a casting vote.

Quorum.

XIX. No business shall be transacted at a meeting unless at least five Municipal Commissioners be present.

The Chairman or Vice-Chairman to exercise, with certain exceptions, the powers of the Municipal Commissioners.

XX. The Chairman or Vice-Chairman shall, for the transaction of the business connected with or making any order authorized by this Act, exercise all the Powers vested by this Act in the Municipal Commissioners. Provided that it shall not be lawful for the Chairman or Vice-Chairman to exercise any power which it is by this Act expressly declared shall be exercised by the Commissioners at a meeting.

Appointment of Overseers, Clerks, and subordinate Officers.

XXI. The Chairman and Vice-Chairman may from time to time appoint all such Overseers, Clerks, and subordinate Officers and Servants as he shall think necessary and proper to assist in the execution of this Act, and may from time to time remove any of such persons and appoint others in their places.

No Commissioner to be personally liable upon contracts, &c., but only in case of misapplication of money to which he may be party or which shall happen through his neglect.

XXII. No Municipal Commissioner shall be personally liable for any contract made or expense incurred by or on behalf of the Commissioners, but the funds from time to time in the hands of the Commissioners shall be liable for and chargeable with all contracts and expenses duly incurred as aforesaid. Every Commissioner shall be liable for any misapplication of money entrusted to the Commissioners, to which he shall have been a party, or which shall have happened through or have been facilitated by his neglect of his duty, and he shall be liable to be sued for the same as for money due to the Government.

Penalty on Commissioners, &c., being interested in contracts.

XXIII. No Municipal Commissioner or servant of the Commissioners shall be interested, directly or indirectly, in any contract made with the Commissioners, and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment, and shall be liable to a fine of five hundred rupees. Provided always that no person, by being a shareholder in or member of any incorporated or registered Company, shall be disqualified from acting as a Commissioner by reason of any contract entered into between such Company and the Commissioners. Nevertheless, it shall not be lawful for such shareholder or member to act as a commissioner in any matter relating to any contract entered into between the Commissioners and such Company.

Estimates and Statements to be submitted to Government.

Annual estimate of expenditure to be submitted to Government.

XXIV. The Municipal Commissioners shall, at such time or times and in such form as the Lieutenant-Governor shall direct, furnish a statement or estimate showing the expenditure which it is proposed by the Commissioners to incur during the year commencing on the first day of May then next, and the items in respect of which it is proposed to incur such expenditure.

Statement of actual expenditure and of income to be submitted.

XXV. The Municipal Commissioners shall, at such time or times, and in such form as the Lieutenant-Governor shall direct, furnish statements in detail of all the work executed by them, and of all sums received and of all sums expended by them.

Rate on Houses, Buildings, and Lands.

Rate on houses, buildings, and lands.

XXVI. It shall be lawful for the Municipal Commissioners to impose an annual rate, not exceeding seven and a half per centum of their annual value upon all houses, buildings, and lands, and such rate shall be paid by the owners of such houses, buildings, and lands by quarterly instalments. Arable lands and lands used for pasturage, and buildings used exclusively as places of public worship, or applied solely to charitable purposes, shall not be liable to the rate.

Annual value of houses, buildings, and lands how to be ascertained.

XXVII. For the purpose of making the annual rate, the gross annual rent at which the houses, buildings, and lands liable to the rate might be reasonably expected to be let, shall be deemed to be the annual value of such houses, buildings, and lands, and such value shall accordingly be fixed by the Commissioners from year to year commencing from the date on which this Act shall have come into operation.

Percentage of annual rate how to be fixed.

XXVIII. The Municipal Commissioners shall, at a meeting to be held as soon as may be after their appointment, fix the percentage of such annual rate to be levied from the date on which this Act may come into operation till the expiration of the current year, and at a meeting not less than fifteen days before the expiration of each year, shall fix the percentage of such rate for the ensuing year.

What returns may be required for ascertaining annual value.

XXIX. The Municipal Commissioners may require the respective owners or occupiers of the houses, buildings, and lands to furnish them with returns of the measurements and of the rent or annual value thereof, and they, or any person appointed by them for that purpose, at any time between sunrise and sunset, may enter, inspect, and measure, any such houses, buildings, or lands, after

Power to enter house, &c.

having given forty-eight hours' previous notice of their intention to the occupier thereof. When the valuation of the houses, buildings, and lands shall have been completed, the Commissioners shall cause lists containing the valuation and rate assessed to be made out, and shall give public notice thereof, and of the place where the lists or copies thereof may be inspected; and every person claiming to be the owner or occupier of property included in the assessment, or the agent of such person, shall be at liberty to inspect such lists, and to make extracts therefrom, without the payment of any fee.

Public notice of valuation and assessment to be given.

XXX. The Municipal Commissioners shall at the same time give public notice of a day and hour, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment is increased, shall give special notice thereof to the owners or occupiers of such property. All appeals against such valuation and assessment shall be made at or before the time fixed in the notice.

After revision amendments to be authenticated by signature of three Municipal Commissioners.

XXXI. After the appeals have been inquired into, and after the revision of the valuation and assessment has been completed, the amendments made in the lists shall be authenticated by the signature of not less than three of the Municipal Commissioners, who shall, at the same time, certify under their signatures that no valid objection has been made to the valuation and assessment in the said lists, except in the cases in which amendments have been made as shewn therein; and subject to such amendments as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the whole year for which the assessment shall be made.

Further alteration or amendment of assessment.

Provided always that the Chairman or Vice-Chairman may, at any time, amend the said lists by inserting therein the name of any person whose name ought to be so inserted or by inserting any property liable to the rate, after

giving notice to such person as may be interested in the making of the amendment, of a day, not being less than fifteen days from the date of the service of such notice, when such amendment is to be made; or by striking out any property not liable to the rate, or reducing the amount of the rate without notice: and in all cases in which any property is inserted as liable to the rate, the amendment shall be considered to have been made at the expiration of fifteen days from the time when the persons interested first received notice thereof: and any person interested in such amendment may appeal to the said Commissioners by application in writing left at their office three days before the day fixed in the notice for such amendment

New lists need not be prepared every year.

XXXII It shall not be necessary to prepare new lists or to fix the percentage of annual rate every year, but the Commissioners may adopt the annual rate, and the valuation and assessment contained in the lists for the preceding year (with such alterations as may in particular cases be deemed necessary), as the annual rate, valuation, and assessment for the year following. Provided that public notice of such valuation and assessment shall be given in the manner prescribed in Section XXX of this Act.

Hearing of appeals.

XXXIII. Appeals against any rate assessed under this Act shall be heard and determined by not less than three Municipal Commissioners, and their adjudication, and the assessment by the Municipal Commissioners of any rate, when no appeal is made as hereinbefore provided, shall be final; and no person shall contest any assessment in any other manner than by appeal as hereinbefore provided.

Assessment when to be final

Payment of Police Officers

Certain amount of annual rate to be set apart for payment of police officers.

XXXIV. The Municipal Commissioners shall set apart out of the annual rate a sum sufficient for the maintenance of Police Officers appointed under Act XX of 1856 or Act V of 1861 (*for the regulation of police*). Provided that the number of Police Officers to be so maintained shall not exceed the proportion of one Police Officer to twenty-five houses.

Tax on Carriages, Horses, and Elephants.

Tax on carriages, &c.

XXXV. Whenever the provisions of this Act shall have been extended in manner aforesaid to any place, it shall be lawful for the Lieutenant-Governor of Bengal, by notification in the *Calcutta Gazette* to declare that a tax shall be imposed upon all carriages, horses, and elephants, kept within the limits of such place, at the rates specified in the Schedule annexed to this Act, and thereupon such tax shall be payable quarterly. Provided that this section shall not apply to, or include Gun Carriages, or Ordnance Carts or Waggons; Cavalry horses or horses of the Mounted Police; horses belonging to Officers doing regimental duty, at the rate of one horse for each Officer; vehicles, horses or elephants belonging to the Government; vehicles and horses kept for sale, and not used for any other purpose, if kept by *bonâ fide* dealers.

Ownership for any number of days in a quarter creates liability to the tax for the whole quarter.

Exemption of carriages under repair.

XXXVI. Every person who may have owned or had charge of any carriage, horse, or elephant, kept within such place for any number of days in any quarter, shall be liable to the whole tax for that quarter; but if a carriage shall have been under repair for the whole quarter, no tax shall be leviable in respect of such carriage for that quarter.

Carriages, &c., let for hire within any defined place, although owned by persons not residing therein liable to the tax.

XXXVII. Whenever the owner of a carriage, horse or elephant, let out for hire and kept for the time being in premises situated within any place shall not reside in such place, the sums to be charged for such carriage, horse or elephant shall be recoverable from the person in whose premises it is for the time being kept.

Commissioners may compound with Livery Stable-keepers.

XXXVIII. The Municipal Commissioners, at their discretion may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire for a certain sum to be paid for the carriages and horses so kept by such persons, in lieu of the rates specified in the Schedule.

XXXIX. The Municipal Commissioners shall from time to time cause to be prepared and entered, in distinct columns, in a book to be kept by the Commissioners, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax, a description of the carriages and animals in respect of which they are liable, and the amount of the tax assessed thereon.

List of persons liable to tax to be prepared

XL. In order to enable the Municipal Commissioners to have such list prepared, the Commissioners or any Officer authorized by them may send to all persons supposed to be liable to the payment of the tax, a Schedule to be filled up with such information respecting the carriages and animals kept by them as the Commissioners may judge necessary for the assessment of the tax. The Schedule shall be filled up in writing, and signed and dated and returned to the Office of the Commissioners by every person to whom it is sent, whether or not liable to the payment of the tax.

Returns may be required for purpose of making list.

XLI. The Municipal Commissioners may summon any person supposed to be liable to the payment of the tax, or any servant of such person, and may examine such person or his servant as to the number and description of the carriages and animals in respect of which such person is liable to be assessed, and such person or his servant shall answer such questions as may be put to him by the Commissioners.

Power to summon persons liable to tax.

XLII. Any person who may dispute his liability for any assessment so made, or the amount of any such assessment, may appeal to the Municipal Commissioners. Provided that such appeal shall be commenced within ten days after the receipt by such person of a bill for the sum claimed from him in respect of such assessment.

Appeal against assessment may be made to Commissioners

Proviso.

XLIII. Appeals against any such assessment shall be heard and determined by not less than three Municipal Commissioners, and their adjudication upon every such appeal shall be final, and no person shall contest

Municipal Commissioner's decision final.

any assessment so made in any other manner than by appeal to the Commissioners as hereinbefore provided.

Collection of Rates and Taxes.

Bill to be presented.

XLIV. When any sum is due on account of any rate or tax leviable under this Act the Municipal Commissioners shall cause to be presented to the person liable to the payment thereof a bill for the amount, which shall also contain a statement of the period and a description of the property or thing for which the charge is made. If the bill be in respect of the tax upon carriages, horses, and elephants, it shall contain a notice of the time within which an appeal against such tax may be preferred.

Notice of demand.

Warrant of Distress.

XLV. If the bill be not paid by the person liable to pay the same within ten days from the presentation thereof, the Municipal Commissioners may cause to be served upon such person a notice of demand in the form (A) contained in the Schedule to this Act or to the like effect; and if such person shall not, within seven days from the service of such notice of demand, pay the sum due or show sufficient cause for non-payment of the same, such sum with all costs may be levied by distress and sale of the moveable property wherever found of the defaulter, under a warrant in the form (B) in the Schedule or to the like effect, to be issued for that purpose by the Commissioners.

Inventory and notice of sale.

XLVI. The Officer charged with the execution of the warrant of distress shall make an inventory of the property seized under any such warrant, and shall at the same time give a notice in writing in the form (C) contained in the Schedule annexed to this Act, to the person in possession thereof at the time of the seizure, that the said property will be sold as therein mentioned.

Sale.

XLVII. If the warrant is not discharged or suspended by the Municipal Commissioners, the property seized shall be sold under their orders, and they shall apply the proceeds or such part thereof as may be necessary in discharge of the said warrant and costs, and the surplus (if any)

shall be returned on demand to the person in possession of the property at the time of the seizure. The fees payable upon distraints under this Act shall be such as are set forth in the Table of Fees in the said Schedule.

Fees.

XLVIII. No assessment and no charge or demand of rate or tax made under authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax or in the description of any property or thing liable to rate or tax or any mistake in the amount of assessment, provided that the directions of this Act be in substance and effect complied with.

Assessment not to be impeached if the directions of the Act are in substance complied with.

Registration of Carts, Hackeries, and other wheeled vehicles without springs.

XLIX. Whenever the provisions of this Act shall have been extended in manner aforesaid to any place, it shall be lawful for the Lieutenant-Governor of Bengal, by notification in the *Calcutta Gazette*, to declare that every cart, hackery, and other wheeled vehicle without springs kept and used within or let for hire within or without such place and used within it, shall be registered by the Municipal Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the Commissioners shall direct. Provided that this section shall not apply to, or include carts, hackeries, or other such vehicles as aforesaid, kept at more than two miles distance from the said place and used only temporarily or casually in the place, or to carts, hackeries, or other wheeled vehicles without springs, the property of Government or of the Commissioners.

Registration and numbering of Hackeries, &c.

L. The registration of carts, hackeries, and other vehicles under the last preceding section shall be made and the numbers assigned half-yearly, upon such days as the Municipal Commissioners shall notify, and such fee as they shall fix, not exceeding one rupee, shall be paid for each registration. Any person becoming possessed, between the

Fee for registration.

first day of January and the first day of July, or between the first day of July, and the first day of January, of any such cart, hackery, or other vehicle which has not been registered for the then current half-year, shall, within a week of becoming so possessed, register the same, and the Commissioner shall grant registration in any such case, on payment of a fee for the unexpired portion of the current half-year, calculated at the rate of the fee to be fixed as aforesaid. When any registered cart, hackery, or other vehicle is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration.

Penalty for not registering a cart or hackery.

LI. Whoever owns or keeps any cart, hackery, or other wheeled vehicle without springs, required under the provisions of this Act to be registered, without having caused the same to be registered under the last preceding section, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the usual registration fee, and the Magistrate may seize and detain the vehicle. If the vehicle seized be not claimed, and the fine be not paid within ten days, such vehicle, together with the animals seized with it (if any), may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine, and to the costs and charges incurred on account of the seizure, detention, and sale, and the surplus (if any), if not claimed by the owner or the person keeping such cart, hackery, or other vehicle within a further period of twenty days, shall become vested in the Municipal Commissioners and be employed for the purposes of this Act.

Mode of raising money for works of public utility.

Mortgage of rates.

LII. For the construction of works of a permanent nature under this Act, the Municipal Commissioners may, with the sanction of the Lieutenant-Governor of Bengal, from time to time, borrow such sums of money as may be required by way of Debenture on the security of the lands and other property vested in them for the purposes of this Act, and on the security of the rates, taxes, and dues leviable

under this Act or of a portion of them, and at such rate of interest and upon such terms as the said Lieutenant-Governor may approve.

Form of Security.

LIII. All the debentures aforesaid, issued under the authority of this Act, shall be in the Form (D) contained in the Schedule to this Act, and shall be transferable by endorsement, and the right to sue in respect of the monies secured by any of such debentures, shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Payment of debentures by fresh mortgage of rates.

LIV. The Municipal Commissioners may at any time, with such consent as aforesaid, raise by the issue of new debentures, any money that may be required to pay debts for the time being due on any debentures issued in pursuance of this Act.

General Conservancy Clauses.

Depositing dirt on public highway.

LV. Whoever deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, garden, kitchen, or stable refuse, or filth of any kind, or any animal matter, or any broken glass, or earthenware, or other rubbish, in any public highway, except in such spots and in such manner and at such hours as shall be fixed by the Municipal Commissioners; or throws or puts, or permits his servants to throw or put, any such substance into any public sewer or drain, or into any drain communicating therewith, shall be liable to a fine not exceeding ten rupees.

Allowing sewerage to flow on public highway.

LVI. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter, belonging to him or being on his land to run, drain, or be thrown or put upon any public highway; or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any such highway, shall be liable to a fine not exceeding ten rupees.

Future obstructions in highways.

LVII. Whoever builds any wall or erects or sets up any fence, rail, post, or other obstruction or encroachment, in any public highway, or in or over any open drain, sewer, or aqueduct along the side of any such highway, shall be liable to a fine not exceeding one hundred

rupees: and the Municipal Commissioners shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as a debt due to the Commissioners.

Taking up pavements.

LVIII. Whoever displaces, takes up, or makes any alteration in the pavement or other materials, or in the fences or posts of any public highway, without the consent in writing of the Municipal Commissioners, or without other lawful authority, shall be liable to a fine not exceeding fifty rupees.

Projections from houses erected in future to be removed.

LIX. The Municipal Commissioners may give notice in writing to the owner or occupier of any house or building as aforesaid, to remove or alter any projection, encroachment, or obstruction, which after this Act shall have taken effect, shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects, or encroaches upon, or is an obstruction to the safe and convenient passage along any public highway, or obstructs, or projects, or encroaches into or upon any uncovered aqueduct, drain, or sewer in such highway; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a fine not exceeding two hundred rupees; and the Commissioners in such case may remove or alter such projection, encroachment, or obstruction; and the expense of such removal or alteration shall be paid by the owner or occupier so making default, and shall be recoverable as a debt due to the Commissioners.

Removal of existing projections from houses.

LX. The Municipal Commissioners may cause any such projection, encroachment, or obstruction, erected or placed against or in front of any house or building in any public highway before this Act shall have been extended to the place, to be removed or altered as they shall think fit; provided that notice be given of such intended removal or alteration to the occupier

Notice of removal.

of the house or building, against, or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Compensation when to be made.

LXI Whenever any house or building, part of which projects beyond the regular line of a public highway or beyond the front of the house or building on either side thereof, shall be taken down in order to be rebuilt or altered, the Municipal Commissioners may require the same to be set back to, or towards the line of the highway, or the line of the adjoining houses or buildings, and shall make reasonable compensation to the owner of such house or building for any damage he may thereby sustain.

Houses projecting beyond line of highway, when taken down, to be set back.

LXII. The Municipal Commissioners may give notice to the owner or occupier of any land to cut and trim any hedges or trees which overhang any public highway, so as to obstruct the passage; and in the event of such notice not being complied with within eight days from the date of service thereof, the Commissioners may cause the said hedges or trees to be cut and trimmed in the manner required; and the expense incurred by the Commissioners in respect thereof shall be paid by the owner or occupier, and shall be recoverable as a debt due to the Commissioners.

Power to trim hedges and trees bordering roads.

LXIII. It shall be lawful for the Municipal Commissioners, by a bye-law to be made in manner hereinafter provided, to direct that the external roofs and walls of huts or other buildings about to be erected or renewed in or near any public highway, shall not be made of grass, leaves, mats, or other such inflammable materials.

Roofs and external walls not to be made of inflammable materials.

LXIV. If any house, building, or wall, or anything affixed thereon, be deemed by the Municipal Commissioners to be in a ruinous state or likely fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or the occupiers thereof, or to passengers, they shall cause notice in writing

Houses in a ruinous or dangerous state.

to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause notice to be put on the door or other conspicuous part of the said premises, requiring the owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and do not carry on the work to the satisfaction of the Commissioners, they may cause all, or so much of such house, building, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and all the expenses shall be paid by the owner or occupier of the premises, and shall be recoverable from him as a debt due to the Commissioners.

Sale of material of ruinous houses.

LXV. Whenever any house, building, wall, or thing is pulled down by the Municipal Commissioners by virtue of the powers aforesaid, they may in their discretion sell the materials and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any overplus arising from such sale to the owner of such house, building wall, or thing on demand. The Commissioners, although they sell such materials for the purposes aforesaid, may sue for so much of the said expenses as may remain due after the application of the proceeds of such sale.

Penalty on occupier of a house not removing filth.

LXVI. Whoever, being the occupier of a house in or near any public highway, keeps or allows to be kept for more than twenty-four hours, otherwise than in some proper receptacle, any dirt dung, bones, ashes, night-soil, or filth, or any noxious or offensive matter, in or upon such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse the same, shall be liable to a fine not exceeding fifty rupees.

Filthy houses, &c.

LXVII. Whoever, being the owner or occupier of any house building, or land in or near any public highway, suffers the same to be in a filthy state

or overgrown with thick and noxious vegetation, shall be liable to a fine not exceeding fifty rupees, and to a fine not exceeding five rupees for every day after conviction for such offence during which the offence is continued.

Penalty for keeping sheep-pen, &c., in a filthy state.

LXVIII. Whoever, being the owner or keeper of any cattle, sheep, or pigs, suffers the stall, pen, or place in which they are kept, in or near any public highway, to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, shall be liable to a fine not exceeding twenty rupees, and to a fine not exceeding three rupees for every day after conviction for such offence during which the offence is continued.

Licensing of public necessaries.

LXIX. The Municipal Commissioners may license such necessaries for public accommodation as they, from time to time, may think proper; and whoever shall keep any public necessary without such license, or having a license for a public necessary, shall suffer the same to be in a filthy or noxious state, or shall neglect to employ proper means for cleansing the same, shall be liable to a fine not exceeding fifty rupees, and such license may be withdrawn.

Penalty for not keeping drain, &c, in proper state.

LXX. Whoever, being the owner or occupier of any private drain, privy, or cesspool, shall neglect or refuse, after warning from the Municipal Commissioners, to keep the same in a proper state, shall be liable to a fine not exceeding fifty rupees.

Fouling water by bathing, washing, throwing rubbish, &c.

LXXI. Whoever shall bathe in any public tank, the water of which shall have been declared by the Municipal Commissioners to be appropriated to the domestic use of the inhabitants of the place, or shall wash or cause to be washed therein, any animal, or any wool, cloth, or wearing apparel, or any utensils for cooking, or other purposes, or leather, or the skin of any animal, or any foul or offensive thing; or shall put or cause to enter therein any animal, or any gravel, stone, dirt, or rubbish, or any dirt, filth, or other noxious thing; or shall cause or suffer to run, drain, or be brought thereunto, the water of any sink, sewer, drain, engine, or boiler, or any other unwholesome or offensive liquid, or shall do anything

whatsoever whereby any such water shall be in any degree fouled or corrupted, shall be liable to a fine not exceeding fifty rupees.

Power to fill up unwholesome tanks on private premises.

LXXII. Whenever any tank, drain, or other excavation containing waste or stagnant water, the same being within any private enclosure, appears to the Municipal Commissioners, to be injurious to health or to be offensive to the neighbourhood, it shall be lawful for the Commissioners to require, by notice in writing, the owner or occupier of the premises to cleanse or fill up such tank or excavation, and if he do not begin to cleanse or fill up the same within one week after such notice, and do not complete such work with due diligence, the Commissioners, their Officers, and workmen, may enter into the said premises and do all necessary acts for the purpose aforesaid as they shall think fit; and the expense incurred thereby shall be paid by the owner or occupier of such premises, and shall be recoverable as a debt due to the Commissioners.

Power to clear noxious vegetation and to improve bad drainage.

LXXIII. Whenever any lands or premises being private property or within any private enclosure, appear to the Municipal Commissioners to be, by reason of thick or noxious vegetation or want of drainage, in a state injurious to health or offensive to the neighbourhood, it shall be lawful for the Commissioners to require, by notice in writing, the owner or occupier of the premises to clear and remove such vegetation or drain such premises, and if he do not within one week after such notice begin to cut, clear, and remove such vegetation, or to drain such land, and do not complete such work with due diligence, the Commissioners, their Officers, and workmen, may after forty-eight hours' notice enter into the said premises, and do all necessary acts for the purpose aforesaid as they shall think fit, and the expense incurred thereby shall be paid by the owner or occupier of such premises, and shall be recoverable as a debt due to the Commissioners.

Power to drain off and cleanse stagnant pools in open places.

LXXIV. The Municipal Commissioners may, from time to time, as they see fit, drain off into any sewers, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure)

which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or not.

Penalty for not lighting deposits of building materials or excavations.

LXXV. No person intending to build or take down, alter, or repair any building, shall deposit any building materials or make a hole in or near any public highway, without the permission of the Municipal Commissioners, and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night: and whoever so deposits materials or so makes a hole without such permission, or fails to fence or enclose and cause to be lighted such materials, or hole, or remove such materials or fill up or otherwise make secure such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty rupees, and a further fine not exceeding fifty rupees for every day while the offence is continued after twenty-four hours' notice from the Commissioners.

Places dangerous to passengers to be repaired or enclosed.

LXXVI. If any tank, well, or hole in or near any public highway, be, for want of sufficient repair, protection, or enclosure, dangerous to passengers, the Municipal Commissioners shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom; and the expenses of such repair, protection, or enclosure shall be paid by the owner or occupier of the property so repaired, protected or enclosed, and shall be recoverable as a debt due to the Commissioners.

Regulation of certain offensive trades and of Burial and Burning Grounds.

Penalty for establishing certain offensive and dangerous trades within limits to be fixed by the Municipal Commissioners.

LXXVII. Within such limits as may for the purposes of this section be fixed by the Municipal Commissioners, no premises shall be newly used except under license from the Municipal Commissioners, for any of the following purposes; namely, for melting tallow, for boiling offal or blood, or as

a soap-house, oil-boiling house, dyeing-house, tannery, brick, pottery, or lime-kiln, or other manufactory or place of business from which offensive or unwholesome smells arise, or as a yard or depôt for hay, straw, wood, or coal; and whoever, without a license, uses any such premises for such purposes, shall be liable to a fine not exceeding two hundred rupees, and a fine not exceeding fifty rupees for every day after the conviction for such offence during which the said offence is continued.

No burial or burning place henceforth to be formed without leave of Government, or of Municipal Commissioners.

LXXVIII. No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act otherwise than by or under the authority of the Lieutenant-Governor of Bengal, without a license from the Municipal Commissioners; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any burial or burning-ground made or formed without such license, shall be liable to a fine not exceeding two hundred rupees.

Municipal Commissioners may order certain burial or burning places to be closed.

LXXIX. If, upon the evidence of competent persons, it shall appear to the Municipal Commissioners that any burial or burning ground is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance and is available, the Commissioners, with the sanction of the Lieutenant-Governor of Bengal previously obtained, may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground, and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding one hundred rupees.

General provisions for carrying out the purposes of the Act, and power to make bye-laws.

Recovery of fines.

LXXX. All fines imposed by this Act may be recovered in the manner prescribed by Section LXI of the Code of Criminal Procedure.

Service of notices.

LXXXI. Every notice or summons under any of the preceding sections of this Act, or under any bye-law, may be served personally upon the person to whom the same is addressed, or may be served by leaving the same at his usual or last known place of abode with some adult male member or servant of his family, or if it cannot be so served, may be put up on some conspicuous part of such place of abode. If the notice or summons relates to any house, building, or land, and the place of abode of the owner is unknown, the same shall be deemed to be duly served if put up on some conspicuous part of the house, building, or land, to which the same relates.

Municipal Commissioners may bring suit instead of distraining, or on failure of distress.

LXXXII. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any rates, taxes, expenses, or charges, recoverable under the provisions of this Act, the Municipal Commissioners may sue the person liable to pay the same in any court of competent jurisdiction.

Power to make compensation out of the municipal fund.

LXXXIII. The Municipal Commissioners may make compensation out of the municipal fund, to any person sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers, or servants, under this Act.

Municipal Commissioners empowered to make bye-laws.

LXXXIV. It shall be lawful for the Municipal Commissioners to make bye-laws, and to repeal, alter, and amend the same, subject to the confirmation hereinafter mentioned, for regulating the time and mode of collecting the rate and taxes mentioned in this Act, for regulating the conduct of persons employed by them, for the management of all matters connected with conservancy, and for carrying out all the purposes of this Act; and to affix fines as penalties for the infringement of such bye-laws. Provided that no bye-law shall be repugnant to any law in force, and that no fine for any one infringement of a bye-law shall exceed twenty rupees, and that in case of a continuing infringement no fine shall exceed five rupees for every day after notice from the Commissioners of such infringement.

Confirmation and publication of Bye laws.

LXXXV. No Bye-law or alteration of a Bye-law shall have effect until the same shall have been approved and confirmed by the Lieutenant-Governor of Bengal, and shall have been published for such length of time and in such manner as the Lieutenant-Governor of Bengal shall order.

Bye laws, until repealed or altered, to be of like effect as if inserted in this Act.

LXXXVI. All Bye-laws, when the same shall have been duly confirmed and published, shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

No action to be brought against the Municipal Commissioners or their officers, until after one month's notice of cause of action.

LXXXVII. No action shall be brought against the Municipal Commissioners, or any of their officers, or any person acting under their direction, for any thing done under this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioners, or at the place of abode of such person, explicitly stating the cause of action and the name and place of abode of the intended plaintiff; and unless such notice be proved, the court shall find for the defendant; and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards: and if any person to whom any such notice of action is given, shall, before such action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

No charge to be instituted under this Act without consent of Municipal Commissioners.

LXXXVIII. The Municipal Commissioners may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund, and no charge of an offence under this Act shall be instituted without the order or consent of the Commissioners, and no such charge shall be instituted except within three months next after the commission of such offence.

SCHEDULE.—[*referred to in Section XXXV.*]

TAX ON CARRIAGES, HORSES, AND ELEPHANTS.

	Rupees per quarter.	
For every 4-wheel Carriage on springs, drawn by two horses	4	8
For every 4-wheel Carriage on springs, drawn by one Horse, or Pony, or a pair of Ponies under thirteen hands	1	8
For every 4-wheel Carriage without springs	1	8
For every 2-wheel Carriage on springs	2	4
For every 2-wheel Carriage without springs, drawn by a Horse, Pony, or Mule	0	12
For every Horse	2	4
For every Pony under thirteen hands, or Mule ...	0	12
For every Elephant	6	0

Ponies under eleven hands, and children's carriages the wheels of which do not exceed twenty-four inches in diameter, exempt.

FORM A.—[*referred to in Section XLV.*]

NOTICE OF DEMAND.

Take notice, that the Municipal Commissioners of demand from you the sum of , due from you for , for the months of 18 : and that if the sum due is not paid into the Office of the Municipal Commissioners at , or if sufficient cause for the non-payment of the sum is not shown to the Municipal Commissioners within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

Date

[*Signature of the Chairman or Vice-Chairman.*]

FORM B.—[*referred to in Section XLV.*]

Distress Warrant.

To [*here insert the name of the Officer charged with the execution of the warrant.*]

Whereas , of , has not paid or shown sufficient cause for the non-payment of the sum of Rupees due for the rates [*or taxes*] *or* [*rates and taxes*] mentioned in the margin, for the months of 18 , although the said sum has been duly demanded in writing from the said and seven days have elapsed since the service of the notice of demand: This is to command you to distrain the property of the said , to the amount of the said sum of Rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if within seven days next after such distress the said sum shall not be paid together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said property, and having paid and deducted out of the proceeds of the sale the said sum of Rupees, and the charges of taking, keeping, and selling such distress, to return the surplus (if any) on demand to the person whom you shall find in possession of the said property. If sufficient distress cannot be found of the property of the said , you are to certify the same to us together with this warrant.

[*Signature of the Chairman or Vice-Chairman.*]

FORM C.—[*Referred to in Section XLVI.*]

Form of Inventory and Notice.

[*State particulars of Goods seized.*]

Take notice that I have this day seized the property specified in the above inventory for the sum of Rupees, due for the rates [*or taxes*] mentioned in the margin, for the months of 18 , and that unless you pay in to the Office of the Municipal Commissioners of the amount due, together with

the cost of this distress, within seven days from the day of the date of this notice, the property will be sold.

Date

[*Signature of the Officer executing the warrant of distress.*]

TABLE OF FEES PAYABLE UPON DISTRAINTS UNDER THIS ACT.—

[*Referred to in Section XLVII.*]

Sums distrained for.

	Fee. Rs.	A.
Under 1 Rupee	0	4
1 and under 5 Rupees . ..	0	8
5 „ 10 „	1	0
10 „ 15 „	1	8
15 „ 20 „	2	0
20 „ 25 „	2	8
25 „ 30 „	3	0
30 „ 35 „	3	8
35 „ 40 „	4	0
40 „ 45 „	4	8
45 „ 50 „	5	0
50 „ 60 „	6	0
60 „ 80 „	7	8
80 „ 100 „	9	0
Above 100 „	10	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

FORM D.—[*Referred to in Section LIII.*]

FORM OF DEBENTURE.

The Municipal Commissioners of

The 18 .

No.

By virtue of the Act No. III of 1864 of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations

[the District Municipal Improvement Act,] we, the Municipal Commissioners of , in consideration of the sum of Rupees paid to us by A. B. of , promise to pay to the said or order the said sum of Rupees , after the date hereof; together with interest thereon at the rate of per centum per annum, payable half-yearly on the day of and the day of

[Signature of the Chairman or Vice-Chairman, and two Municipal Commissioners.]

Reg. No 4993.—300—27-11-76.

ACT No. IV of 1864.

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 2nd April 1864 and of the Governor-General on the 11th idem).

An Act to amend Act XXI of 1836.

Preamble.

Whereas it is expedient to amend Act XXI of 1836; It is enacted as follows:—

Lieutenant-Governor of Bengal may alter the limits of existing Zillahs.

It shall be lawful for the Lieutenant-Governor of Bengal from time to time to alter the limits of existing Zillahs in any part of the Provinces subject to the control of the said Lieutenant-Governor.

Price 6 Pies.

Bengal Secretariat Press.—D. E. J.—300—30-11-74.

ACT No. V of 1864.

Passed by the Lieutenant-Governor of Bengal in Council.

(*Received the assent of the Lieutenant-Governor on the 12th April 1864, and of the Governor-General on the 14th May 1864.*)

An Act to amend and consolidate the Law relating to the collection of Tolls on Canals and other lines of navigation, and for the construction and improvement of lines of navigation, within the Provinces under the control of the Lieutenant-Governor of Bengal.

Preamble.

Whereas it is expedient to amend and consolidate the law relating to the collection of Tolls on the Canals and lines of navigation specified in the Regulations and Acts in the Schedule to this Act annexed, and to authorize the collection of Tolls on such other lines of navigation as may hereafter be rendered subject to the provisions of this Act, and to provide for the construction and improvement of lines of navigation; It is enacted as follows :—

Interpretation.

I. The following words shall have the several meanings hereby assigned to them, unless where a contrary intention shall appear from the context, that is to say :—

"Vessel."

The word "Vessel" shall include any ship, barge, boat, raft, timber, bamboos, or floating materials, propelled in any manner.

"Line of Navigation."

The words "line of navigation" shall mean any navigable channel subject to the provisions of this Act.

"Channel."

The word "Channel" shall include any river, canal, khaal, nullah, or waterway, whether natural or artificial.

"Person."

The word "Person" shall include any company, association, or body of persons whether incorporated or not.

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Gender.

Words importing the masculine gender shall include the feminine.

What navigable channels may be rendered subject to the provisions of this Act.

II. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, by notification to that effect published in the Calcutta Gazette, to declare that the provisions of this Act shall apply to any navigable channel specified in such notification, and from and after such publication the provisions of this Act shall apply to, and be in force as regards, such navigable channel, and such of the Regulations and Acts specified in the Schedule to this Act as were applicable to such navigable channel, shall thenceforth cease to have any force or effect as respects such channel.

By whom navigable channels may be made.

III. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, to authorize any person to make and open any navigable channel, or to clear and deepen any navigable channel, and to stop any water-course, or make any tracking path, or do any other act necessary for the making or improvement of any such channel; and any navigable channel made under this Section shall be rendered subject to the provisions of this Act in the manner prescribed in the last preceding Section.

Mode of obtaining land for the purpose.

The Government of Bengal may take possession, as for a public purpose, of any land that may be necessary for the execution of any of the abovementioned works, under the provisions of Act VI of 1857 *(for the*

acquisition of land for public purposes) or of any other Act that may now or hereafter be in force for the taking possession of land for public purposes.

No action to lie against Government in respect of acts done in pursuance of the last section.

IV. No action or suit shall be brought against the Secretary of State for India in Council, or the Government, in respect of any injury or damage caused by, or resulting from, any act done under the last preceding Section.

[illegible] lines [illegible] ect to

[illegible] at such rates as shall be fixed in manner hereinafter mentioned shall be paid in respect of all vessels entering upon, or passing along any of the lines of navigation subject to the provisions of this Act. Provided that such Tolls shall be payable only so long as such line of navigation shall be open.

Lieutenant-Governor may fix and alter rates of Tolls.

VI. The Lieutenant-Governor of Bengal may fix, and from time to time alter, the rates at which such Tolls shall be levied. Provided that no Toll shall be levied, and no alteration of any rate of Toll shall have effect, until notice shall have been published in the Calcutta Gazette, for such period as the said Lieutenant-Governor may fix, of the intention to levy or alter such Toll, and of the rate and place at which such Toll is to be levied.

Notification of rates of Toll to be exhibited at every Toll-house.

VII. Notification of the rates of Toll, and of the places of collection, shall be at all times exhibited to publice view at every Toll-house where Toll is levied under this Act, in the English, Oordoo, and Bengalee languages.

Lieutenant-Governor may appoint persons to collect Tolls, and the collection of Tolls may be farmed.

VIII. The Lieutenant-Governor of Bengal shall appoint such persons as he may think fit to collect Tolls under this Act, and it shall be lawful for any person so appointed to farm out the collection of Tolls to any other person, with the sanction of the Government of Bengal, or to employ any other person in such

collection. The person to whom the collection of Tolls may be farmed out, or who may be employed in the collection of them, shall have power to collect, and be authorized to receive them, in the like manner as any person appointed as aforesaid.

Payment of Tolls how to be enforced.

IX. If any Toll due under the provisions of this Act in respect of any vessel shall not be paid on demand to the person authorized to colle the same, it shall be lawful for such person to seize suc and any furniture thereof, and to detain the same person shall, within twenty-four hours of such seiz tion, report the same to the nearest Collector or De of the District in which the seizure has been m public Officer duly authorized by Government in and on receipt of this report the Collector, Deputy Collector, or other Officer as aforesaid shall publish a notice appointing a day for the sale of the said vessel and any furniture thereof. The sale shall be held at some period not less than fifteen days from the date of the publication of notice of sale; and if the Toll and also any expenses occasioned by non-payment be not paid, or sufficient cause for non-payment be not shown, at or before the time of sale to the Collector, Deputy Collector, or other Officer as aforesaid, such Officer shall sell the vessel and furniture seized, or so much thereof as may be necessary to pay the Toll and also any expenses occasioned by non-payment. So much of the property seized as may not have been sold, and so much of the sale proceeds as may be in excess of the sum necessary for satisfying the Toll and for defraying the expenses occasioned by non-payment, shall be returned to the person in charge of the vessel.

Penalty for evasion of Toll.

X. Any person who shall refuse, or evade, or attempt to evade, any Toll due under this Act, shall be punished, on conviction before a Magistrate, with a fine which may extend to fifty Rupees, or with simple imprisonment in lieu of fine which may extend to one month.

Rules relating to lines of navigation.

XI. It shall be lawful for the Lieutenant-Governor of Bengal from time to time to make Rules not repugnant to any law in force, and to repeal, alter, and amend the same, for the management of any line of navigation subject to this Act, and for regulating the conduct of persons employed for any of the purposes of this Act; and the Lieutenant-Governor may affix fines as penalties for the infringement of such Rules not exceeding fifty Rupees for any one infringement, or five Rupees a day for any continuing infringement.

Such Rules may contain directions for any of the following amongst other matters :—

For determining the tonnage of vessels and their measurement; for fixing the number and the width of vessels to be allowed to pass into or out of or through any line of navigation at one time or abreast; for determining the length of time during which vessels may remain stationary on any line of navigation, and the amount of demurrage to be paid by vessels remaining stationary beyond such time; for regulating the mode in which and the places at which Tolls are to be levied under this Act; for the removal of sunken vessels and obstructions; and for the storing and disposal of the cargo of vessels seized under this Act.

Publication of such Rules.

XII. Rules shall not be passed until the same shall have been published in the Calcutta Gazette for a period of six weeks, and after that time the Rules shall be published as passed, with such alterations (if any) as to the Lieutenant-Governor of Bengal shall seem fit. The Rules so published as passed shall not have effect until the expiration of two weeks after such last publication; and all Rules so published shall, until the same be repealed or altered, be of like effect as if they were inserted in this Act. Copies of all Rules in the English, Oordoo, and Bengalee languages, shall be exhibited to public view at every place where Toll is collected.

Appointment of Supervisor with power to remove obstructions.

XIII. It shall be lawful for the Government of Bengal to appoint any person to be the Supervisor of any line of navigation subject to the provisions of this Act, and such person shall be empowered to cut down and remove any tree which may have fallen or may be likely to fall into such line of navigation, and to remove any sunken vessel, and to prevent or remove any other nuisance or obstruction to navigation, of whatever description, whenever he may think it necessary.

Mode of exercising such power.

XIV. Whenever such Supervisor shall consider that the cutting down and removal of any tree or the removal of any other obstruction is necessary, he may in cases of emergency at once remove the same, and may for that purpose enter on any private property. In cases not of an emergent nature, he shall serve a notice in writing on the owner, or occupier of such private property, directing him to remove the same within a reasonable time. If the owner or occupier cannot be found, notice may be served by notification to be affixed in some conspicuous place in the nearest village. If the owner or occupier shall not remove the obstruction within the time given in the notice, the Supervisor may proceed to remove it himself and may for that purpose enter on any private property. Payment of all expenses of such removal may be enforced by the sale of the thing removed in the manner provided for the recovery of Tolls in Section IX of this Act.

Supervisor may forbid the construction of Bandells, &c.

XV. Whenever in the opinion of such Supervisor the construction of any Bandell or other contrivance for fishing, or for any other purpose, in any line of navigation, is likely to cause obstruction to the free and safe transit of such line of navigation, he may, by a notice in writing to be served on the owner or person in charge of such Bandell or other contrivance, or (if such owner or other person cannot be found) to be affixed at some conspicuous place in the nearest village, forbid the construction of such Bandell or other contrivance.

XVI. Any person who shall wilfully cause or shall aid in causing any obstruction to any line of navigation, or any damage to the banks or works of such line of navigation, or who shall wilfully omit to remove such obstruction after being lawfully required so to do, shall be punished on conviction before a Magistrate with simple imprisonment which may extend to one month, or with fine which may extend to fifty Rupees, or with both, and shall also be liable to pay such fine as may be sufficient to meet all reasonable expenses incurred in abating or removing such obstruction, or in repairing such damage.

Penalty for causing obstruction to line of navigation.

XVII. All fines imposed by this Act may be recovered in the manner prescribed by the Code of Criminal Procedure.

Recovery of fines.

XVIII. If any person shall be guilty of an offence against the provisions of this Act on any line of navigation subject to this Act, such offence shall be punishable by any Magistrate having jurisdiction over any District or place adjoining such line of navigation, or adjoining either side of that part of the line of navigation in which such offence shall be committed: and such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner, and to the same extent, as if such offence had been committed locally within the limits of his jurisdiction, notwithstanding the offence may not have been committed locally within such limits; and in case any such Magistrate shall exercise the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

Offences against this Act by whom punishable.

XIX. All persons employed by the Government of Bengal, and all persons employed by the Company carrying on works under the name of the East India Irrigation and Canal Company, together with the said Company, are hereby indemnified for all

Indemnity for certain acts done heretofore in the collection of Tolls, &c.

acts done by them or any of them in the collection heretofore of any Tolls on the canals, khaals, or nullahs specified in sections XI, XII, and XIII of Regulation XVIII of 1806 *(for collecting a Toll on boats passing through the Eastern Canal, which connects the River Hooghly with the Soonderbunds, and through the canals commonly called the Banka Nullah, the Koonjopore Khaal, the Gowah Khaal, and the Narainpore Khaal.)*

Short Title.

XX. This Act may be cited as "The Canals' Act, 1864."

SCHEDULE OF REGULATIONS AND ACTS.—

(referred to in Section II.)

Regulation XVIII of 1806 ...	For collecting a Toll on boats passing through the Eastern Canal which connects the River Hooghly with the Soonderbunds, and through the Canals commonly called the Banka Nullah, the Koonjopore Khaal, the Gowah Khaal, and the Narainpore Khaal.
Regulation VIII of 1824 ...	For rescinding Regulation IV of 1813, for determining the rates of Toll to be levied on boats, rafts, timbers, and the like passing through the Bhaugirutee, Jellinghee, Issamuttee, Matabhangah, and Choornee Rivers, and for providing for the better collection of the Toll, and for the secure navigation of the aforesaid and other navigable Rivers.
Act XXII of 1836 ...	Relating to the levy of a Toll on boats, floats, and rafts passing through the Circular and Eastern Canals.
Act X of 1853 ...	To amend Act XXII of 1836.
Act XV of 1860 ...	To amend and extend Act XXII of 1836.

[Bengal Secretariat Press.—W. H.—300—22-2-72.]

ACT No. VI OF 1864.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 12th April 1864 and of the Governor-General on the 18th May 1864.)

An Act to provide for the periodical Inspection of Steam Boilers and Prime Movers attached thereto in the Town and Suburbs of Calcutta.

Preamble.

WHEREAS it is expedient to provide for the inspection by competent Inspectors of Steam Boilers and Prime Movers attached thereto in the Town and Suburbs of Calcutta, with a view to the security of persons and property; It is enacted as follows:—

Interpretation.

I. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless where a contrary intention shall appear from the context, that it to say:—

"Boiler."

The word "Boiler" shall include any Cylinder or Vessel for generating steam under pressure.

"Prime Mover."

The words "Prime Mover" shall include any Steam Engine, Fly-Wheel, first driving Shaft, and Pulley attached to any such Engine.

"Owner."

The word "Owner" shall include any agent or hirer using any Boiler or Prime Mover.

"Suburbs of Calcutta."

The term "Suburbs of Calcutta" shall include the Suburbs of Calcutta and the Station of Howrah, as defined in Act XXI of 1857 (*for making*

better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah.)

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Gender.

Words importing the masculine gender shall include the feminine.

Inspectors to be appointed for the purposes of this Act.

II. The Lieutenant-Governor of Bengal shall appoint Inspectors for the purposes of this Act, who shall inspect all Boilers and Prime Movers attached thereto, in the Town and Suburbs of Calcutta in the manner hereinafter provided.

Prohibition of the use of a Boiler or Prime Mover without a Certificate under this Act.

III. It shall not be lawful for the owner of any such Boiler or Prime Mover as aforesaid to use the same in the said Town and Suburbs, unless a Certificate shall have been duly granted in respect thereof in the manner hereinafter provided ; and it shall not be lawful for such owner to continue to use such Boiler or Prime Mover after the period for which such Certificate shall have been granted.

On notice from owner, an Inspector to examine Boiler or Prime Mover.

IV. The owner of any such Boiler or Prime Mover as aforesaid in respect whereof a Certificate shall not be in force in manner hereinafter described, shall, before using the same, give notice to an Inspector appointed under this Act of his intention to use or continue to use the same. The Inspector to whom such notice shall be given shall appoint a time between sunrise and sunset, and within forty-eight hours after such notice, for the inspection of such Boiler or Prime Mover, and at such time shall carefully examine such Boiler or Prime Mover, and every part thereof, and the owner or person in charge thereof shall afford to such Inspector all reasonable facilities for such examination and all such information as may reasonably be required.

V. An Inspector, making an inspection under this Act of any such Boiler or Prime Mover as aforesaid, if he be satisfied that such Boiler or Prime Mover is in good condition, shall, on payment by the owner or person in charge thereof of such fees as shall be fixed in the Rules hereinafter mentioned, give to the owner a Certificate signed by him to that effect, in the form in the Schedule to this Act annexed ; and such Certificate shall state the period for which such Boiler or Prime Mover may be used, and shall cease to be in force on the expiration of such period.

If satisfied with the condition of Boiler or Prime Mover, Inspector to give a Certificate to the owner on payment of fee.

Duration of Certificate.

VI. The Lieutenant-Governor of Bengal, or any person authorized by him in that behalf, may revoke any Certificate granted under this Act, in any case in which he shall have reason to believe that such Certificate has been fraudulently obtained or erroneously granted, or has been granted without sufficient inspection, or in case he shall have reason to believe that the Boiler or Prime Mover in respect whereof such Certificate shall have been granted, since the granting such Certificate, has sustained injury or is not in good condition. On such revocation of a Certificate, an Inspector, not being the person who granted the revoked Certificate, shall again examine the Boiler or Prime Mover in respect whereof such revoked Certificate was granted, in the manner prescribed in Section IV of this Act, and if he shall be satisfied that the same is in good condition shall grant another Certificate. Provided that no additional fee shall be paid unless there shall appear to have been reasonable ground for revoking the Certificate.

Revocation of Certificate.

VII. The Lieutenant-Governor of Bengal shall, from time to time, frame Rules regulating the fees payable for Certificates, and the duties of Inspectors appointed under this Act. Such Rules shall not have effect until they shall have been published in the Calcutta Gazette for a period of six weeks, and shall not be inconsistent with the provisions of this Act.

Rules to be made.

VIII. The owner of any such Boiler or Prime Mover as aforesaid who shall have obtained a Certificate for the same, shall, at all reasonable times during the period for which the same may be in force, be bound to produce such Certificate when called upon to do so by any Magistrate having jurisdiction within the Town or Suburbs of Calcutta or by any person authorized in writing by such Magistrate to demand its production.

Owner bound to produce Certificate when called upon by Magistrate or duly authorized person.

IX. The owner of any such Boiler or Prime Mover as aforesaid who shall use the same in the said Town or Suburbs without a Certificate duly obtained and in force in respect thereof under this Act, shall be punished with a fine not exceeding five hundred Rupees; and to continue to use the same after such fine shall have been imposed shall be held to be a separate offence, and shall be punished in like manner. No proceeding shall be taken to enforce this penalty before such day after this Act shall have come into operation as the Lieutenant-Governor of Bengal shall fix by notification in the Calcutta Gazette.

Penalty for using Boiler or Prime Mover not having duly obtained a Certificate.

Proviso.

X. This Act shall not apply to any Locomotive Engine used upon any Railway in the Town or Suburbs of Calcutta, or to any Steam Vessel in the Port of Calcutta.

Act not to apply to Locomotive Railway Engines, nor to Steam Vessels.

XI. All penalties imposed by this Act may be recovered, if for offences committed beyond the local limits of the Town of Calcutta in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits in the manner prescribed by Act XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras, and Bombay)* and Act XLVIII of 1860 *(to amend Act XIII of* 1856*)* or any other Act for regulating the Police of the Town of Calcutta in force for the time being. All penalties to be levied under this Act shall be disposed of in such manner as the Lieutenant-Governor of Bengal from time to time shall direct.

Recovery of penalties.

Disposal of penalties.

XII. No charge shall be brought against any person for the recovery of any penalty under this Act except within six months after the commission of the offence, nor shall such charge be brought without the authority of an Inspector appointed under this Act.

Charges within what period to be brought.

XIII. This Act shall come into operation on such day as the Lieutenant Governor of Bengal shall fix by notification in the Calcutta Gazette.

Commencement of Act.

SCHEDULE.

SCHEDULE—*(referred to in Section V).*

Form of Inspector's Certificate.

Name of Owner.	Description of Boiler and age.	Description of Prime Mover and age.	Power.	When and where made.	When and where last repaired.	Time for which Boiler or Prime Mover is to be used and Certificate to be in force.	REMARKS.

I, the undersigned, certify that I have examined the above named Boiler (*or Prime Mover*) and to the best of my judgment the Boiler (*or Prime Mover*), as shown in the above Statement, is in good condition.

A. B.,
Inspector.

Date

THE SALT ACT, 1864.

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ACT No. VII OF 1864.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 19th March 1864, and of the Governor-General on the 28th May 1864.)

An Act to amend and consolidate the laws relating to the manufacture, possession, transport, and sale of Salt in the Provinces under the control of the Lieutenant-Governor of Bengal.

Preamble.

WHEREAS it is expedient to amend and consolidate the laws relating to the manufacture, possession, transport, and sale of Salt in the Provinces under the control of the Lieutenant-Governor of Bengal; It is enacted as follows:—

Short Title.

I. This Act may be cited as "The Salt Act, 1864."

Laws repealed.

II. The Regulations and Acts and parts of Regulations and Acts set forth in the Schedule annexed to this Act, so far as the same relate to the Bengal Division of the Presidency of Fort William, shall cease to have effect, except so far as they repeal the whole or part of any other Regulation or Act, and except as to acts done and liabilities incurred before this Act shall come into operation.

Interpretation.

III. The following words shall have the several meanings hereby assigned to them unless where a contrary intention shall appear from the context, (that is to say)—

"Salt."

The word "Salt" shall include every saline substance and preparation used or intended to be used with food.

"Manufacture."

The word "manufacture" shall include the preparation or collection of Salt.

"Salt-work."

The words "Salt-work" shall mean any place used or intended to be used for the manufacture of Salt.

"Board of Revenue."

The words "Board of Revenue" shall mean the Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal.

"Magistrate."

The word "Magistrate," shall mean any person exercising the full powers of a Magistrate under the Code of Criminal Procedure.

"Police Officer."

The words "Police Officer" shall include all Village Police Officers.

"Seer."

The word "Seer" shall mean a weight of eighty tolahs.

"Maund."

The word "Maund" shall mean a weight of forty seers.

Salt in possession of servant or agent.

When Salt is in the possession of a person's servant or agent on his account, it is in that person's possession within the meaning of this Act.

The causing or procuring an act to be done is punishable in the same manner as the doing of the act.

Where the doing of any act is made punishable by this Act, or by any of the Rules to be made in pursuance thereof, with any penalty, the causing or procuring such act to be done shall be punishable in like manner.

"Rowannah."

The word "Rowannah" shall mean a written or printed permission duly issued under the provisions of this Act to possess or transport Salt.

Number.

Words importing the singular number shall include the plular, and words importing the plural number shall include the singular.

Gender.

Words importing the masculine gender shall include the feminine.

IV. Within the Provinces under the control of the Lieutenant-Governor of Bengal, it shall not be lawful for any person, who is not duly licensed in the manner hereinafter provided, to manufacture Salt.

Unlicensed manufacture of Salt prohibited.

V. Whoever, without a license duly obtained under this Act, shall manufacture, or attempt to manufacture, Salt, shall be punished with fine which may extend to five hundred Rupees, or with simple imprisonment for a term which may extend to six months, or with both. The use of each Salt-work in such unlicensed manufacture shall be a separate offence within the meaning of this Section, and each fire or fire-place, or place for collecting Salt in any mode, used or intended to be used, in such manufacture, shall be deemed a separate Salt-work. The continuing, after conviction and sentence, of the offence mentioned in the introductory part of this Section, shall be considered as amounting to the commission of such offence and shall be punishable in the same way as such offence.

Penalty for such manufacture.

VI. All materials and implements used or intended to be used in manufacturing Salt without a license, and all Salt so manufactured, shall be confiscated.

Confiscation of contraband Salt, and materials and implements used in unlicensed manufacture.

VII. The Board of Revenue shall grant licenses to manufacture Salt in such places in the said Provinces and to such persons as they shall think fit. Provided that no person shall obtain a license to manufacture Salt unless he shall have complied with such terms and conditions for securing the payment of the Duty hereinafter mentioned as may be required by the said Board.

Board of Revenue to grant licenses on certain conditions.

VIII. Every proprietor, tenant, under-tenant, and cultivator who owns or holds land on which there shall be any Salt-work not licensed under the provisions of this Act, and every Naib, Gomashta, Tehsildar, or other agent employed by the Government or the Court of Wards or by any private proprietor on such land, shall, within ten days after the existence of any such Salt-work

Proprietors and others to give notice to the Police of unlicensed Salt-works established on their lands.

shall have come to his knowledge, give written notice of the same to a Police Officer. If any person bound to give notice under this Section shall wilfully omit or delay to give the same, he shall for every such offence be liable to a fine not exceeding five hundred Rupees for each Salt-work.

Rate of Duty to be levied on the manufacture of Salt.

IX. A Duty shall be paid on all Salt manufactured by persons licensed under this Act, at the rate of the Customs Duty levied upon Salt imported by sea.

Licensed manufacturer to provide a proper warehouse.

X. Every licensed manufacturer of Salt shall, before he begins to manufacture, provide a proper and secure warehouse, to be approved by the Board of Revenue, for the purpose of depositing and securing therein the Salt to be manufactured; and all Salt manufactured by him shall in the first instance be deposited in such warehouse.

Lieutenant-Governor may prescribe Rules and impose penalities.

XI. The Lieutenant-Governor of Bengal shall from time to time prescribe Rules, which shall be notified in the *Calcutta Gazette*, for regulating the manufacture, deposit, and transport of Salt, and for securing the payment of the Duty thereon, and shall from time to time fix penalties for infringements of such Rules. Provided that no Rule shall be repugnant to any of the provisions of this Act or to any law in force, and that no penalty shall exceed five hundred Rupees.

Proviso.

The possession and transport of Salt, within certain limits, to be regulated.

XII. Within such limits as the Lieutenant-Governor of Bengal shall define by notification in the *Calcutta Gazette*, the possession and transport of all Salt shall be regulated in manner hereinafter provided.

Rowannahs by whom and how to be granted.

XIII. The Board of Revenue shall grant Rowannahs for all Salt possessed or transported within the limits so fixed, in accordance with such Rules as the Government shall from time to time make in this behalf, and on payment of such fee as may be fixed in such Rules.

Rowannah not to be granted without payment of Duty.

XIV. No Rowannah shall be granted unless the full amount of Duty on the quantity of Salt, to be specified in such Rowannah, shall have been paid.

Limitation of possession or transport of Salt.

XV. It shall not be lawful to possess or transport more Salt than five seers, unless the same shall be specified in a Rowannah granted under Section XIII of this Act. Provided that this Section shall not apply to Salt imported by sea and warehoused under Act VI of 1863 *(the Consolidated Customs Act,)* or to Salt deposited by a manufacturer in an approved warehouse under Section X of this Act.

Proviso.

Penalties for possessing or transporting Salt without a Rowannah.

XVI. Any Salt exceeding five seers in quantity, which may be found within such limits as aforesaid, not specified in a Rowannah, shall be held to be contraband, and as such shall be seized and confiscated. The vessels, packages, and covering in which such Salt shall be found, and any animals or conveyances used in carrying it, shall also be seized and confiscated. Any person possessing, or transporting, or attempting to transport, such Salt, shall be liable to a fine not exceeding five Rupees for every maund of Salt so seized and confiscated. All persons found in gangs or companies transporting, or attempting to transport, such Salt, when the whole quantity exceeds ten seers, shall be liable to the like penalty and each one of the offenders shall be liable to the whole fine. In the cases aforesaid the fine shall be at the rate of five Rupees per maund, according to the quantity of Salt seized, whether more or less than one maund.

Punishment for transporting Salt in excess of the quantity specified in the Rowannah.

XVII. If any person shall possess, transport, or attempt to transport, within the said limits, under a Rowannah, a greater quantity of Salt than is specified in such Rowannah, the excess, as well as the quantity so specified, shall, if such excess be found on weighment to exceed two and a half per cent. on the quantity so specified, be held to be contraband, and as such shall be seized and confiscated. Any person possessing, or transporting, or

attempting to transport, such Salt, shall be liable to a fine of five Rupees for every maund of Salt in excess of the quantity so specified.

Salt not being conveyed by the route and to the place prescribed in the Rowannah, to be confiscated.

XVIII. Salt being conveyed by a route or to a place other than that specified in such Rowannah, shall be seized and confiscated. Any person possessing, or transporting, or attempting to transport, such Salt, shall be liable to the penalty prescribed in Section XVI of this Act.

Salt transported beyond the limits, not to be brought again within those limits without a special Rowannah.

XIX. Salt which may have been transported beyond the said limits, shall not again be brought within those limits except under a special Rowannah granted for the purpose under the authority of the Board of Revenue. Any Salt brought within such limits without such special Rowannah, shall be seized and confiscated, and the persons in whose possession it may be found shall be liable to the penalty prescribed in Section XVI of this Act for the possession of contraband Salt. It shall be competent to the said Board to withhold or grant such Rowannah.

Person selling or losing Salt within the limits, to certify on the back of the Rowannah the quantity sold or lost.

XX. All persons possessed of Salt specified in a Rowannah, who may sell, lose, or otherwise dispose of, any portion of such Salt within the said limits, shall certify on the back of such Rowannah the quantity sold, lost, or disposed of by them.

Penalty for omitting to certify the sale or loss of Salt within the limits.

XXI. Whoever within the said limits sells, loses, or disposes of Salt, and wilfully or negligently omits to certify such sale, loss, or disposal thereof in the manner above described, shall be liable to a fine not exceeding five Rupees for every maund so sold, lost or disposed of by him, and any Salt in his possession, not exceeding twice the quantity sold, lost, or disposed of, may be seized by an Officer in charge of the Police Station as security for the payment of such fine.

If the whole quantity of Salt be sold within the limits, or the whole or any part be carried beyond the limits, the Rowannah to be delivered up.

XXII. If all the Salt specified in a Rowannah be disposed of within the said limits, such Rowannah shall be delivered up to the Officer in charge of the Police Station within which the last parcel of the Salt shall have been disposed of. If any part of the Salt specified in such Rowannah be carried beyond the said limits, such Rowannah shall in that case be delivered up to the Officer in charge of the last Police Station which such Salt may have to pass before being carried beyond the said limits.

Inspection of Salt-works by Police Officers.

XXIII. Any Police Officer may enter and inspect, at any time by day or night, any Salt-work, or any warehouse or premises in which Salt is stored.

Persons carrying Salt liable to confiscation, may be arrested.

XXIV. Any Police Officer may arrest any person carrying or in possession of contraband Salt, and may seize the vessels, packages, and covering, and any animals or conveyances used in carrying such Salt.

Salt seized may be weighed by Police Officer.

XXV. For the purposes of the preceding Section and of Sections XVI and XVII of this Act, it shall be lawful for the Officer in charge of the Police Station within which the Salt shall be found, to cause the same to be weighed.

Persons arrested under this Act to be forthwith taken before a Magistrate and detained or admitted to bail.

XXVI. Any person arrested on the ground that he has been guilty of an offence under this Act, shall forthwith be taken before a Magistrate or Justice of the Peace, who may, if he see reasonable cause, order such person to be detained in custody until the case shall have been disposed of in the manner hereinafter provided. Provided that any person so detained shall be liberated, on giving recognizance or security to appear at such time and place as shall be appointed for his appearance.

Magistrate may issue search-warrant on application.

XXVII. It shall be lawful for the Magistrate of a District or Division of a District, on application by a Police Officer, stating his belief that Salt is manufactured in any place within such

District or Division contrary to the provisions of this Act, or that Salt not specified in a Rowannah is kept or concealed in any house, boat, or place in such District or Division, to issue a warrant to search for such Salt. Such warrant shall be executed in the same way and shall have the same effect as a search-warrant issued under the Code of Criminal Procedure. It shall be lawful for any Magistrate of the Town of Calcutta, on the like application in reference to Salt believed to be manufactured in Calcutta contrary to the provisions of this Act, or kept or concealed contrary to the provisions of this Act in any house, boat, or place in Calcutta, to issue a warrant, which shall be executed in the same way and shall have the same effect as a search-warrant under Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay*).

Rules regarding entry of a house by force.

XXVIII. Whenever any Officer in charge of a Police Station shall have reasonable cause to believe from information (which shall be taken down in writing) that Salt is being manufactured in any place contrary to the provisions of this Act, or that Salt not specified in a Rowannah is kept or concealed in any house, boat, or place, such Officer may, between sunrise and sunset, but always in the presence of another Police Officer, enter into any such house, boat, or place, and in case of resistance may break open any door and remove any obstacle to such entry; and may seize and carry away all such Salt so found, and all materials and implements used or intended to be used, in the manufacture, and may arrest all persons concerned in the manufacture or in the keeping and concealing of such Salt. Provided that, whenever it shall be necessary to enter any house in such manner, the rules for entering a house in execution of a search-warrant, prescribed in Chapter VIII of the Code of Criminal Procedure, and in the said Act XIII of 1856, shall be observed by the officer effecting such entry.

Magistrate may summon persons and adjudge confiscation under this Act.

XXIX. When any Salt or other property shall be seized as contraband, any Magistrate within the District or Division of a District wherein the same may be seized, may, upon the

information of any Police Officer, summon the person in possession of such Salt or other property, or to whom the same may belong, to appear before him, and upon such appearance, or in default thereof, may examine into the cause of the seizure thereof, and may adjudge the same to be confiscated.

Rules of the Code of Criminal Procedure regarding trial and appeal to apply to adjudications under this Act.

XXX. The rules contained in the Code of Criminal Procedure for the trial of cases before a Magistrate, and for appeal against orders passed by a Magistrate, shall be applicable to adjudications under the last preceding Section.

Seizures within Calcutta to be determined on by a Justice of the Peace.

XXXI. When any Salt or other property shall be seized under this Act as liable to confiscation within the local limits of the Town of Calcutta, such seizure shall, upon information exhibited by any Police Officer, be heard and determined in a summary way by a Justice of the Peace for the Town of Calcutta, and such Justice shall cause the person in possession of such Salt or other property, or to whom the same may belong, to be summoned to appear before him, and upon such appearance, or in default thereof, shall enquire into the cause of such seizure, and may adjudge the same to be confiscated.

On confiscation of any Salt, the same shall vest in Her Majesty.

XXXII. When the confiscation of any Salt or other property shall be adjudged under the three last preceding Seotions, the same shall thereupon belong to, and vest in, Her Majesty, and a warrant shall be issued by the Court to a Police Officer, directing him to hold the Salt or other property confiscated at the disposal of the Board of Revenue.

Penalty for vexatious seizures and arrests.

XXXIII. Any Police Officer who shall vexatiously and unnecessarily seize the goods or chattels of any person on the pretence of seizing or searching for contraband Salt, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess beyond what is required for the execution of his duty, shall be liable to a fine not exceeding five hundred Rupees, or to simple imprisonment for a term not exceeding six months.

XXXIV. Whenever any person shall be convicted of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to simple imprisonment for a period not exceeding six months, and a like punishment of imprisonment not exceeding six months shall be inflicted, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

Punishment for second and subsequent convictions.

XXXV. All penalties imposed by this Act may be enforced, if for offences not committed within the local limits of the Town of Calcutta, in the manner prescribed by the Code of Criminal Procedure, and if for offences committted within those limits, in the manner prescribed by the said Act XIII of 1856 and Act XLVIII of 1860 *(to amend Act XIII of* 1856), or any other Act for regulating the Police of the Town of Calcutta in force for the time being.

Enforcement of penalties under this Act.

XXXVI. In every case in which an offender shall be sentenced to a fine, the Court which sentences such offender shall direct by the sentence that in default of payment of the fine such offender shall be imprisoned for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced. The term of imprisonment shall be fixed according to the following scale, that is to say: when the fine shall not exceed fifty Rupees, such term shall not exceed two months; when the fine shall not exceed one hundred Rupees, such term shall not exceed four months; and in any other case shall not exceed six months. The fine, or any part thereof which shall remain unpaid, may be levied at any time within six years after the passing of the sentence, and the death of the offender shall not discharge from liability any property which would after his death be legally liable for his debts.

Period of imprisonment in default of payment of fine.

XXXVII. No charge of an offence under this Act shall be instituted except within six months after the commission of such offence.

Charges within what period to be brought.

XXXVIII. No writ of *certiorari* shall be issued at the suit of any party out of the High Court of Judicature, to supersede, stay, remove, or in any wise affect, any information or judicial proceeding before any Justice of the Peace in pursuance of this Act, and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

Writ of *certiorari* not to affect Justices' proceedings, and their judgments not to be quashed but for error of law.

XXXIX. When any confiscation or penalty shall be adjudged under this Act, the Board of Revenue, within three months after final judgment, may call for the proceedings of the case, and if they shall see cause may direct that the seizure or any part thereof be restored, and may remit the penalty or part thereof and direct that the offender be discharged.

Board of Revenue may mitigate penalties.

XL. All fines paid or levied under Section XXXV of this Act shall be at the disposal of the Board of Revenue, and the said Board may appropriate the same or any portion thereof, and the proceeds of any seizure or any portion of such proceeds, to form a fund for rewarding the Police of such grades as may be determined by the said Board, and for rewarding informers, and for compensating persons subjected to annoyance or injury by any proceedings under this Act.

Disposal of the proceeds of seizure and fines.

XLI. No suit, action, or other proceedings shall be commenced against any person for any thing done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended suit, action, or other proceeding and of the cause thereof : nor after the expiration of three months from the accrual of the cause of suit, action, or other proceeding.

Limitation of suits, &c., under this Act.

XLII. This Act shall come into operation on such day as the Lieutenant-Governor of Bengal shall fix by notification in the *Calcutta Gazette.*

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SCHEDULE.

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Regulation X of 1819 ...	For reducing into one Regulation, with alterations and amendments, the rules at present in force respecting the manufacture, adulteration, importation, transportation, and sale of Salt	The whole.
Regulation X of 1826 ...	For removing doubts as to the application of Section I Regulation X. 1819 to the District of Goruckpore, for prohibiting the manufacture within any of the Districts of Bengal, Behar, and Orissa, of Noonchye or any description of saline substance used as a condiment with food, excepting on account of, or with the permission of, Government, and for providing for the retail sale of Salt by Government Officers in certain cases	The whole.
Regulation IV of 1832 ...	For declaring and explaining the meaning and intention of Section XLI Regulation X. 1819	The whole.
Act IX of 1835...	Appointment of Uncovenanted Superintendents of Salt Chowkies	The whole.
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